( ಬಹುಧಾನ್ಯ ಸಂವತ್ಸರ ).

ಶಕೆ ೧೭೨೦ ನೆ ವಿಕಾರಿ ಸಂವತ್ಸರದ ಜೇಷ್ಟ ಬಹುಳ ೧೨ ಯಲ್ಲು ನವಲಗುಂದ ತಾಲ್ಲು ಪರಗಣೆ

ಮಣಕವಾಡದ ದೇವಮಂದಿರ [illegible] ಕೂಡ [illegible] ದಾನ್ಯಗಳ ಸ್ಪ್ಟಿ

| | (ಗಡಿ) | ಜೋಳ | | ಅಕ್ಕಿ | ಕಡಲಿ | ಹತ್ತಿ | | ಆಕಾರ | | |
|---|---|---|---|---|---|---|---|---|---|---|
| ಅಮೃತಪ್ಪಾ ಅಣ್ಣಿಗೇರಿ | | | | | | | | | | |
| ಗೂಳಪ್ಪಾ ಗಾಣಿಗೇರ | ೧೪ | - | - | - | ೩ | ·೧— | · | ·೧—॥ | | |
| ಯಂಕಪ್ಪಾ ರಡ್ಡೇರ | ೨೪ | ೧೬ | ೪ | - | ೬ | ·೧· | | ·೧—॥ | | |
| ಚನಬಸಪ್ಪ ಕೊಂಡಿಕೊಪ್ಪ | ೨ | ೪ | · | · | - | | | | | |
| ರಾಚಪ್ಪಾ [illegible] | | · | ॥ | · | · | ·೯= | | ·= | | |
| ಬಸಪ್ಪಾ ಬಂಡಿ | · | ೧ | ೧ | - | · | ·॥ | | ।— | | |
| ರುದ್ರಪ್ಪಾ ಬಂಡಿ | ೨ | ೨ | · | · | · | ·೯= | | ·[illegible]॥ | | |
| ಬಸವೀರಪ್ಪಾ ಪತ್ತಿಂದ | | | | | | | | | | |
| ರಾಚಪ್ಪಾ ಬ್ಯಾಳದರ | [illegible] | · | · | · | · | · | · | · | | |
| ಚನಬಸಪ್ಪಾ ಅಳಗವಾಡಿ | ೨ | ೪ | ·॥· | | ೧ | ·೧· | | | | |
| ಬಸಪ್ಪಾ [illegible] | | | | | | (೯=) | | | | |
| ದುಂಡಪ್ಪಾ [illegible] | (೨) | | | | | | | | | |
| ರಂಗಪ್ಪಾ [illegible] | (೪) | · | - | · | - | · | · | · | | |
| ರಾಚಪ್ಪಾ [illegible] | (೨) | - | (೨) | - | · | - | - | - | | |
| ರಾಮಪ್ಪಾ [illegible] | (೬) | (೨) | ೧ | | ·೧· | ·೧· | | | | |
| ಗೂಳಪ್ಪಾ [illegible] | ೩ | | | | | - | | | | |
| ಬಸಪ್ಪಾ [illegible] | (೨) | (೨) | | | (೧) | | | | | |
| [illegible]ಪ್ಪಾ [illegible] | · | · | · | · | · | | · | · | · | · |
| ರುದ್ರಪ್ಪಾ [illegible] | | | | | | | | | | |
| [illegible]ಪ್ಪಾ [illegible] | ೧· | ೧ | [illegible] | ೧ | · | ೧॥ | - | · | -— | |
| [illegible]ಪ್ಪಾ [illegible] | · | · | · | - | ೩— | ೧— | · | ೧=॥ | | |

| ~~[illegible]~~ ಬುನಾದಿನ ಕ್ಷೇತ್ರ | ಸೋ | ಚೆ | ಶಕ್ತಿ | [illegible] | [illegible] | ರು | ಜಾ |
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| ಕೃಷ್ಣ ತಗಸಿರ | [illegible] | | | | | | |
| ಪುಟ್ಟಪ್ಪ [illegible] | | | | | 3 | ·1· | ·1=1· |
| ರಂಗಪ್ಪ [illegible] | | | | | | | |
| ರಾಚಪ್ಪ [illegible] | ೪ | ೪ | | | | | |
| ನೀಲಪ್ಪ [illegible] | | | | | | | |
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| ಗಂಗಪ್ಪ [illegible] | / | | | | | [illegible] | [illegible] |
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| ಬಸಯ್ಯ [illegible] | ೪ | [illegible] | - | - | [illegible] | - | |
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| ತೊಳಸಪ್ಪ [illegible] | [illegible] | [illegible] | -4 | · | 24 | ·1· | 1= |
| ಬಸಪ್ಪ [illegible] | | | | | | | |
| ಬಸಪ್ಪ [illegible] | | | | | | | |
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| ಮರಿತಮ್ಮಪ್ಪ [illegible] | | | | | | ·1· | [illegible] |
| ಬಸಪ್ಪ [illegible] | | | | | | | |

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ಗಕೆ ... ನೇ ವಿಸ್ತಾ ವಸೂ ನಾಮ ಸಂವತ್ಸರದ ಶ್ರೀಮ... ದಿರವರದ
ರ... ದಿ... ತ್ರದಿ | ೧೬ | ೭ | | ೨ | |

ಸ. ಕನಕ... 

| | ಗೋಧಿ | ಜೋಳ | ಕಡ್ಲಿ | ಅಗನಿ | ... | ಉತ್ರಿ | ... |
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| ಪರಪ್ಪಾನವರ ದಿ | ... | ೧೬ | | | ೬ | | |
| ಶಂಕರಗೌಡಾರ ... ಮನಿ | | ೨ | | | | | |
| ವೀರನಗೌಡಾರ ... ಮನಿ | | ೪ | | | | | |
| ಚನ್ನಪ್ಪಾ ಕುಂದಗೋಳ | | ೧೬ | | | | | |
| ಅಡಿವೆಪ್ಪಾ ಅಕುಂಡಿ | | | | | | | |
| ವೀರಪ್ಪಾ ಚನ್ನಶೆಟ್ಟಿ | | | | | | | |
| ಶಿವಪ್ಪಾ ...ಳಿ | ೨ | ೨ | ... | | | | |
| ಭೀಮರಡ್ಡಿ ...ರಬದ | ೭ | ... | ... | ೦ | | | |
| ಶಿವಲಿಂಗಪ್ಪಾ ಅಂಕಲಿ | ೨ | ... | | | | | |
| ತಿಪ್ಪಣ್ಣಾ ಅಂಕಲಿ | | | | | | | |
| ಮಲ್ಲಪ್ಪಾ ಅಂಕಲಿ | | | | | | | |
| ಸಿದ್ದಪ್ಪಾ ಅಂಕಲಿ | ೨ | | | | | | |
| ಲಕ್ಷ್ಮಣಪ್ಪಾ ಮರಬದ | ೨ | | | | | | |
| ಅಡಿವೆಪ್ಪಾ ... | ೨ | ೦ | ೦ | | | | |
| ರುದ್ರಾ ... | ... | ... | ... | ... | ... | ... | |
| ನೀಲಪ್ಪಾ ... | | | | | | | |
| ತಿಪ್ಪಣ್ಣಾ ... | | | | | | | |
| ಮರಿತಿಮ್ಮಪ್ಪಾ ... | ... | ... | ... | ... | ... | ... | |
| ವೆಂಕಪ್ಪಾ ಮಾಡಳ್ಳಿ | ... | ... | ೦ | ೦ | ೦ | | |
| ನೀಲಕಂಠಪ್ಪಾ ... | | | | | | | |
| ಸಾಲಿ... ರೆಡ್ಡಿ ... ಮನಿ | | | | | | | |
| ವೀರಬಸಪ್ಪಾ ದೇವರಮನಿ | ... | ೦ | ... | ... | ... | ... | |
| ನಾಗಪ್ಪಾ ... | | | | | | | |

ಶ್ರೀ ರಂಗರಾವ ದೇಸ್ವಾರ ಹೊಂಡ ಹೊಲ ಕಣ್ಣಿ ಅಗಸಿ ಹುಣಚಿ ಹುತ್ತಿ [illegible]

ಅಡಿವೆಪ್ಪಗೌಡ ಕೋಟನಪ್ಪಗೌ(ಡ)

ಗೂಳಪ್ಪ ಹೊನ್ನನಾಯಕರ

ಬಸನಗೌಡ ಭರಮಗೌ(ಡ)

ಮಲಗೌಡ ಭರಮಗೌ(ಡ)

ದೇವನಗೌಡ ಭರಮಗೌ(ಡ)

ಬಸಪ್ಪ ಸಂಗಪ್ಪನವರ

ನಿಂಗಪ್ಪ ರಡ್ಡೇರ

ವೀರಪ್ಪ ಗಾಣಿಗೇರ

ಅ[illegible]ಪ್ಪಂಗೌ ಹುಲಕೋಟಿ

ಸುಳ್ಳ ಸಾಬ ಮಿಂಚಾರ

ಶ್ರೀ[illegible]ರಪ್ಪ ಹೊಳ್ಳನ

ಮಲ್ಲಪ್ಪ ಹೊಳ್ಳನ

ಮಾಳಪ್ಪ ಕುರಿಗೇರಿ

ಹನಮಪ್ಪ ಕುರಿಗೇರಿ

ಯಲ್ಲಪ್ಪ ಕುರಿಗೇರಿ

ನಿಂಗಪ್ಪ ಹುಲ್ಲಪ್ಪನವರ

ಬಸಪ್ಪ ಹುಲ್ಲಪ್ಪನವರ

ಮಲ್ಲಿಕಾರ್ಜುನಪ್ಪ ಹುಲ್ಲಪ್ಪನವರ

ಭೀಮಪ್ಪ

ರುದ್ರಪ್ಪ ಬಸಪ್ಪನವರ

ಯಲ್ಲಪ್ಪ ಅಡಿವೇರಿ

ರಾಚಪ್ಪ ಅರಗಂಜಿ

ಅಂದಾನಪ್ಪ ಅರಗಂಜಿ

హొంది జోళ్ళ అకసి కర్ని ఉళవె ఉత్రి [illegible]

భీమప్ప తిపనకనళ్ళి

నాగప్ప తిపనకళ్ళి

అశిరెప్ప హొసూర

మరిగూళప్ప రాశప్ప గౌడ్రు

షరీఫసాబ ఖంజార

రామప్ప గొల్లనార

నింగప్ప [illegible]

వెంకప్ప అక్కాతిర

దానప్ప సాలిగేర

కరిసిప్ప రడ్డేర

చన్నప్ప ఉప్పార

కల్లప్ప ఖంజ

రాచప్ప బారకర

బసప్ప బడగర

చనివీరప్ప పత్తేర

బసప్ప మూలిమని

రామణ్ణ అరళికట్టి

నాగప్ప మూలిమని

ఎల్లప్ప హొసూర

రామణ్ణ హుణ్ణంగావర

గూళప్ప కట్టి

బసప్ప కట్టి

[illegible]

చనబసప్పా కొండి కొప్పద

హుళప్పా కొండి కొప్పద

[illegible]

సింగనగౌడా నీలప్పనా [illegible]

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| [illegible] | ೮ | ೪ | ೦ | ೦ | ೦ | ೦ | |
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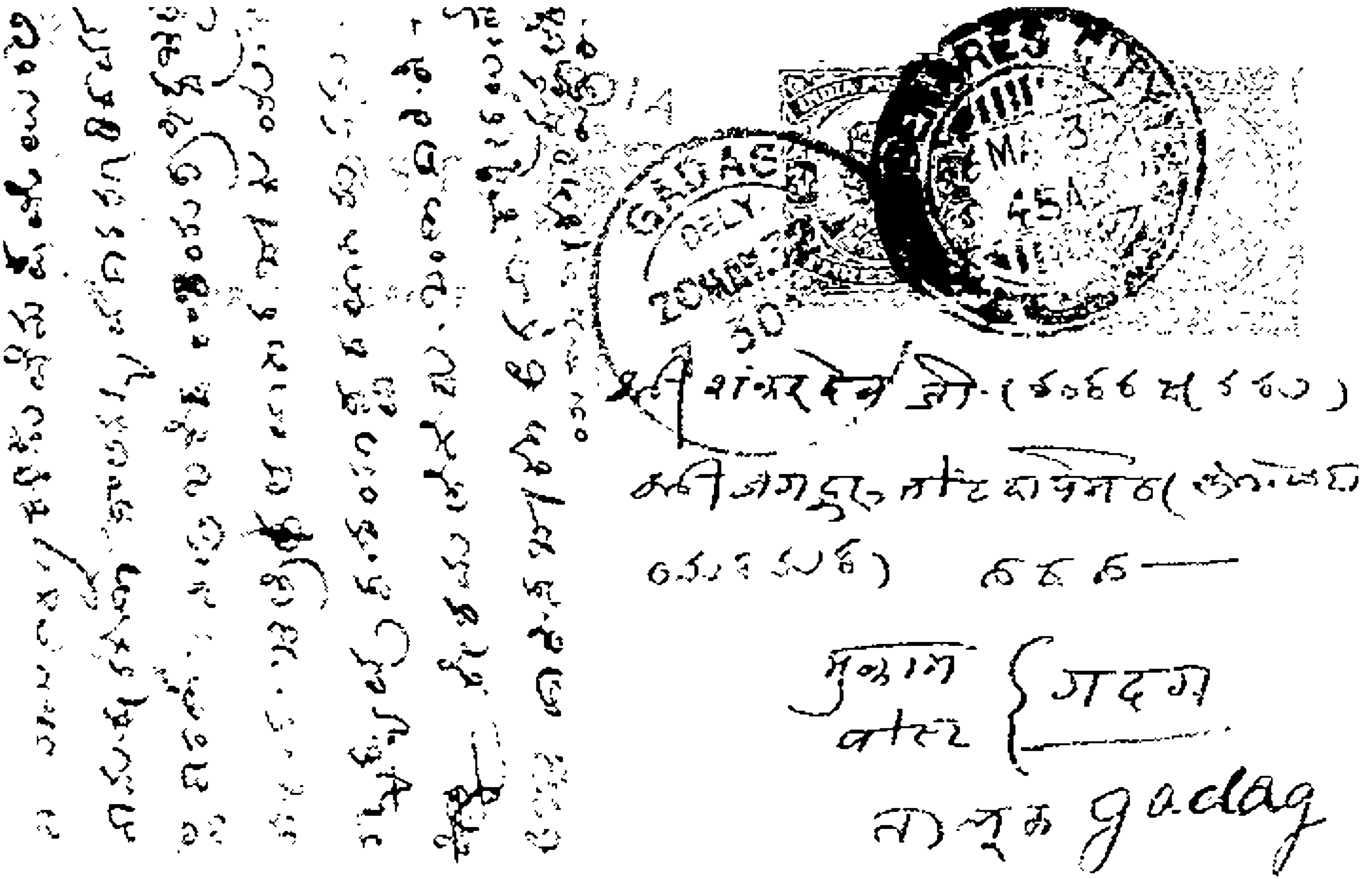
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DELY.
मुक्काम गदग
तालूक gadag

# POST CARD

REPLY.

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ಶ್ರೀ ಗುರು ತೋಂಟದ ಸಿದ್ಧಲಿಂಗಾಚಾರ್ಯ ಪ್ರಸನ್ನ

ಶ್ರೀ ಮನ್ಮಹಾರಾಜ ನಿರಂಜನ ಜಗದ್ಗುರು

ತೋಂಟದಾರ್ಯ ಮಹಾಸ್ವಾಮಿಗಳವರು,

ಸಂಸ್ಥಾನಮಠ ಡಂಬಳ ಮತ್ತು ಗದಗ.

POST CARD

ADDRESS ONLY

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677

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ಡಾ|| ಶಿವಕುಮಾರ ಸ್ವಾಮಿಗಳು,
ಶ್ರೀ ಸಿದ್ಧಗಂಗಾಕ್ಷೇತ್ರ,
ತುಮಕೂರು ಜಿಲ್ಲೆ.

ಸಂ 614

ಶ್ರೀ ಸಿದ್ಧಗಂಗಾ

ತಾರೀಖು 4.4.1996

ಸಿ. ಸಂ. [illegible]/95-96

ಶ್ರೀ ಸಿದ್ಧಗಂಗಾ ಕ್ಷೇತ್ರಾಧ್ಯಕ್ಷ ಶ್ರೀ ಶಿವಕುಮಾರ ಸ್ವಾಮಿಗಳು

ನಾ|| ಪಂಡಿತ [illegible] ಶಾಸ್ತ್ರಿಗಳಿಗೆ [illegible]

ತಮ್ಮ ಬರೆದ ಪತ್ರವು ತಲುಪಿ

ವಿಷಯ ತಿಳಿದಂತಾಯಿತು. ಶ್ರೀ ಕ್ಷೇತ್ರದ [illegible]

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ಶ್ರೀ ಕ್ಷೇತ್ರದ [illegible]

[illegible]

ಸ್ವಾಮಿಗಳು

Sree Sivakumara Swamiji [illegible]

Pandit Kaliganasiddhu Sastry Esq.,
Tarka Teertha,
Sree Jagadguru Tontadarya Swamy Mutt
Gadag

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Hospet
14.8.4[illegible]

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నాగులుప్పలపల్లి స.నం. 221, 243, 244, 271, 272, 280, 304, 305–
229A, నాగులుప్పలపాడు [illegible] స.నం. 606B, ఉప్పుగుండూరు
స.నం. 62A, 71, 83A, 83B, 83C [illegible] 241B [illegible]
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ಶ್ರೀ ಶಿವಕುಮಾರ ಸ್ವಾಮಿಗಳು,
ಶ್ರೀ ಸಿದ್ಧಗಂಗಾಕ್ಷೇತ್ರ,
ತುಮಕೂರು ಜಿಲ್ಲೆ.

ನಂ 9682

ಶ್ರೀ ಸಿದ್ಧಗಂಗಾ

ತಾ: 14-3-1946

ನಂ 958

ಶ್ರೀ ಸಿದ್ಧಗಂಗಾ ಮಠಾಧ್ಯಕ್ಷ ಶ್ರೀ ಶಿವಕುಮಾರ ಸ್ವಾಮಿಗಳ —

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Sree Sivakumara Swamy

Pandit Kalliganaudappa [illegible]
Sree Jagadguru [illegible]
Gadag

685

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For. T. M. [illegible]

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G. M. [illegible]

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INDIA

पचास नये पैसे पचास नये पैसे

भारत

FIFTY NAYE PAISE

SUB TREASURY GADAG

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687

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Bombay Province

50 n P

INDIA

पचास नये पैसे पचास नये पैसे

भारत

FIFTY NAYE PAISE

SUB TREASURY GADAG

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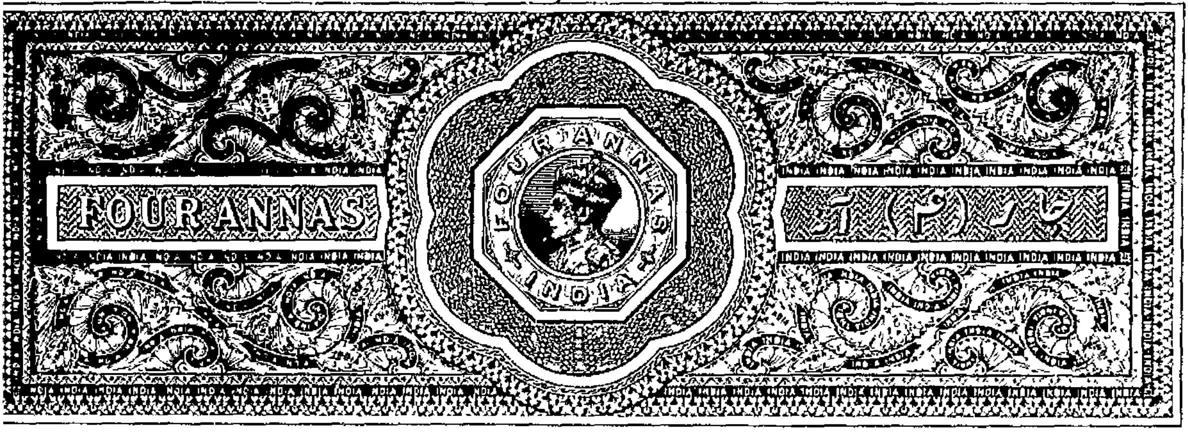
Bombay Province 4 As.

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Mamlatdar, Navalgund

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Received of Insp.r West Pulaul Presidency Gardens the sum of Rs 300 (Three hundred rupees) being the rent for land for the year ending June 30th 1891

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WEST'S PATENT PRESS COMPANY, LIMITED.

Gadag 16th Jany. 1895.

Mr. Kotasamini

Gadag

Sir,

Please receive per Basappa peon Rs 300/-, our Press Compound rent of the year ending 30th June 1894; and sign and return to us the enclosed stamped receipt for the above amount.

Yrs. Affly.

R. MacLeod

... ಗವರಿಗೆ.

... ನ ಫಿರ್ಯಾದಿಗೆ ಜವಾಬು ಹೇಳುವದಕ್ಕೋಸ್ಕರ ನೀವು ಹಾಜರಾಗತಕ್ಕದ್ದು ಅವಶ್ಯವಾಗಿದೆ. ಆದ್ದರಿಂದ ಸನ ೧೯...    ನು ...    ತಿಂಗಳ ...    ತಾರೀಖಿನ ...    [illegible] ನೀವು ಸ್ವ... [illegible] ನಿಮ್ಮ [illegible] ನಡೆಸುತ್ತದೆ, ಇಲ್ಲದಿದ್ದಲ್ಲಿ ಬರೆದ ಪ್ರಕಾರ ಮಾಡುವದಕ್ಕೆ ತಪ್ಪುವದಿಲ್ಲ.

ತಾರೀಖು ೧    ತಿಂಗಳು ...    ಸನ ೧೯...

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699

# ಮೈಸೂರಿನ ಹೊಸ ಕ್ರಿಮಿನಲ್ ಪ್ರೊಸೀಜರ್ ಕೋಡ್

## ಕಲಮು ೫೧೮ ಪ್ರಕಾರ.

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658 ರಿಂದ 1200 ರ ವರೆಗಿನ

ದಾಖಲೆಗಳ ಶ್ಯಾಂಪಲ್ಗನ್ನು

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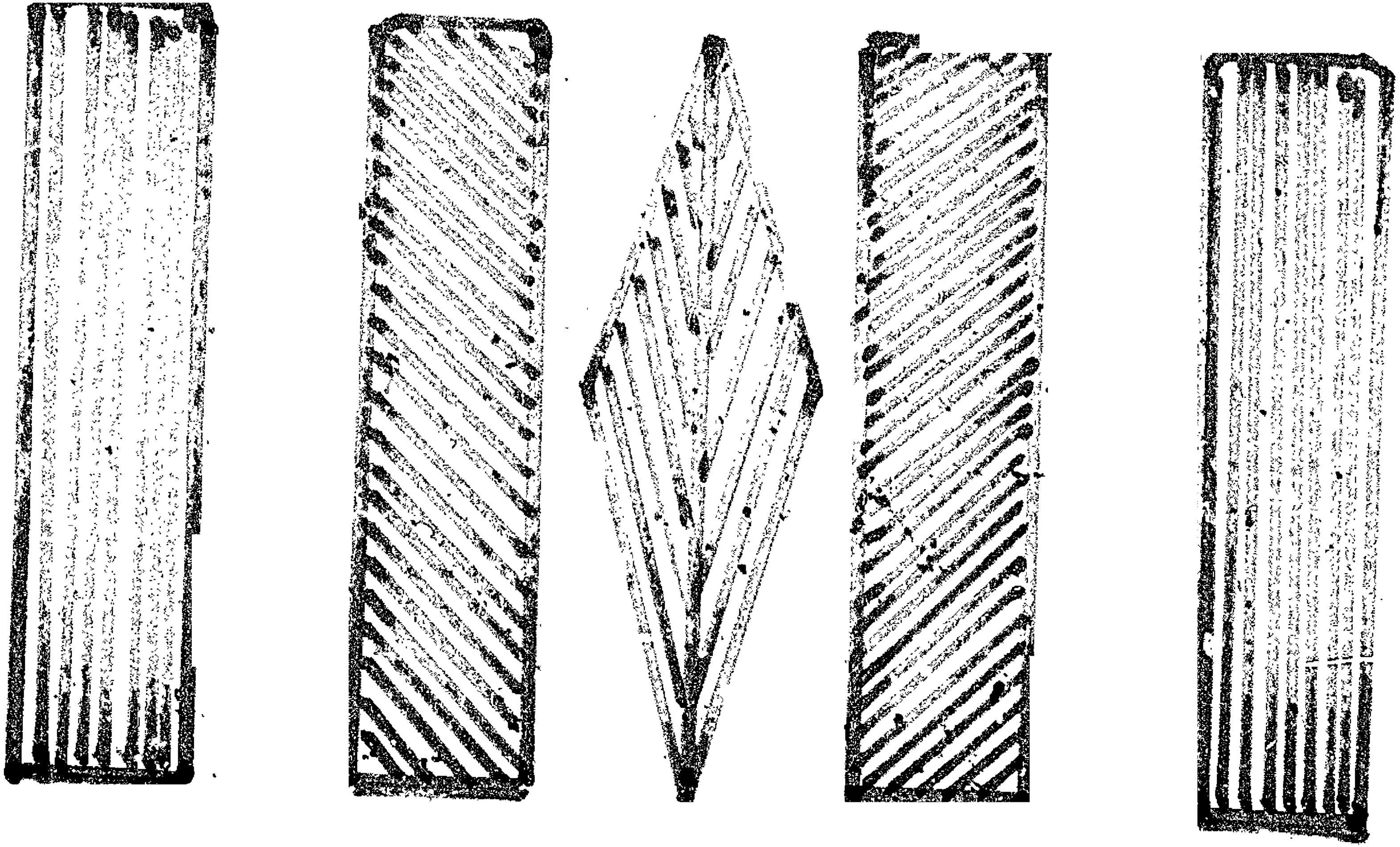

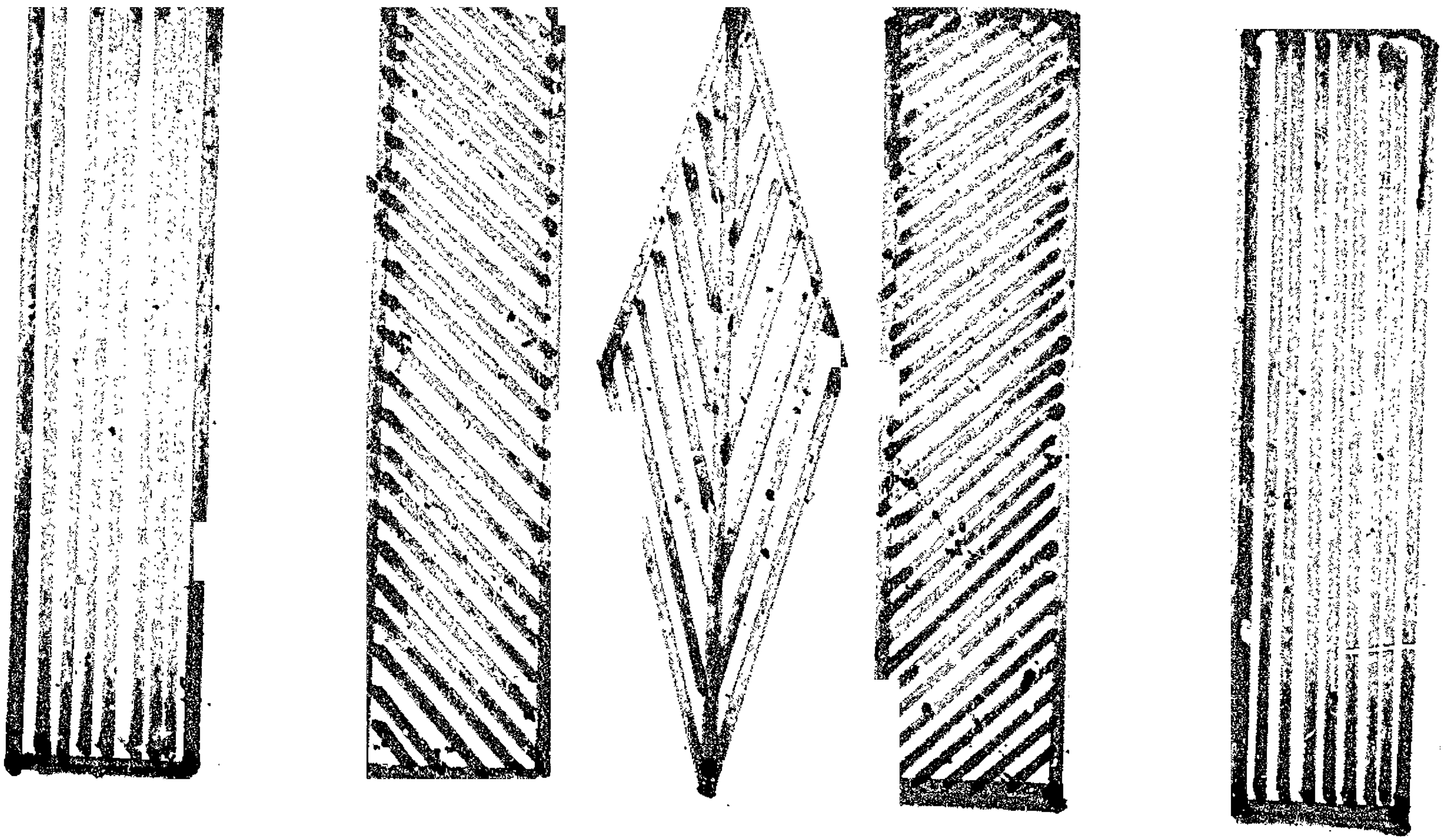

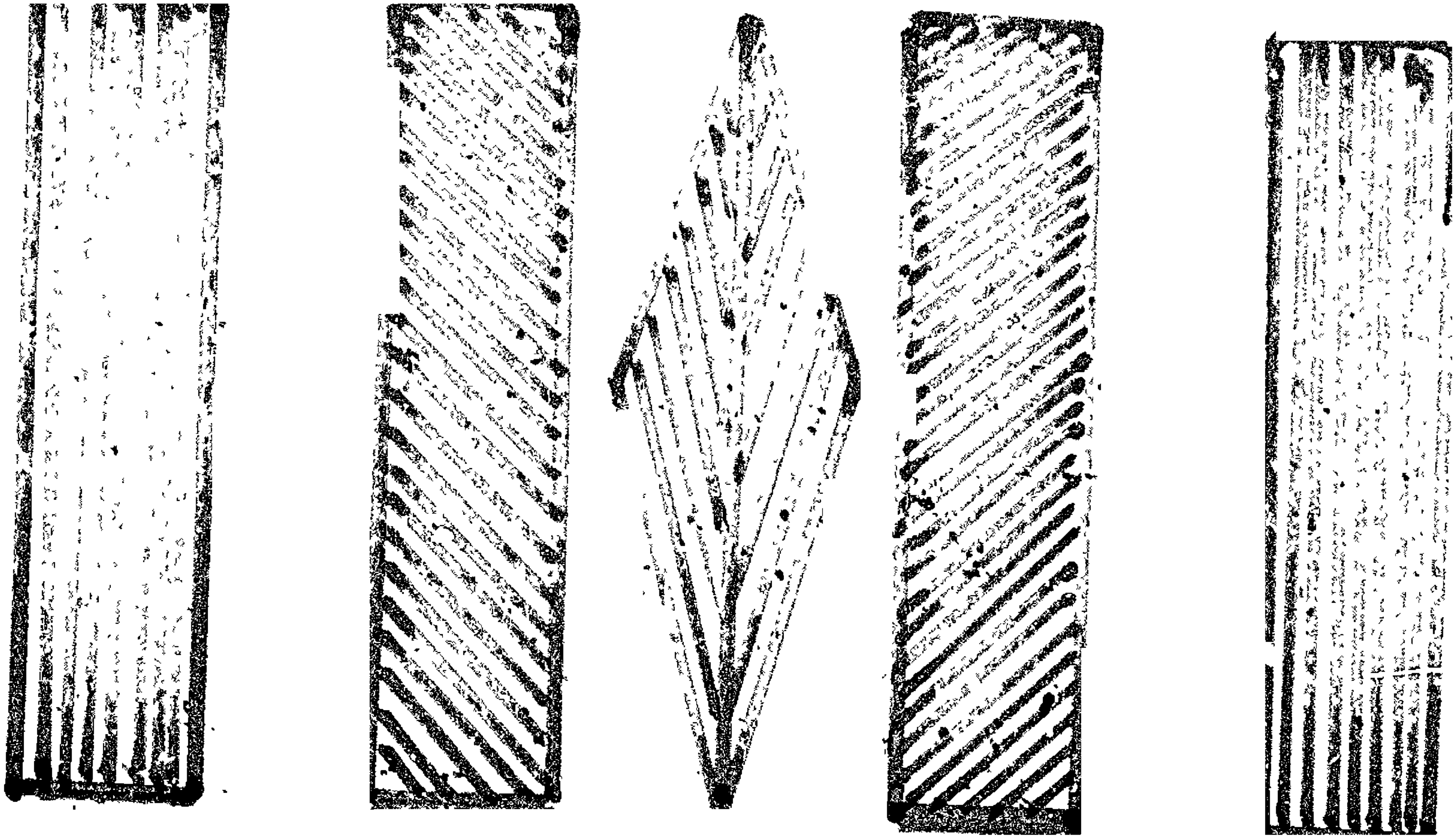

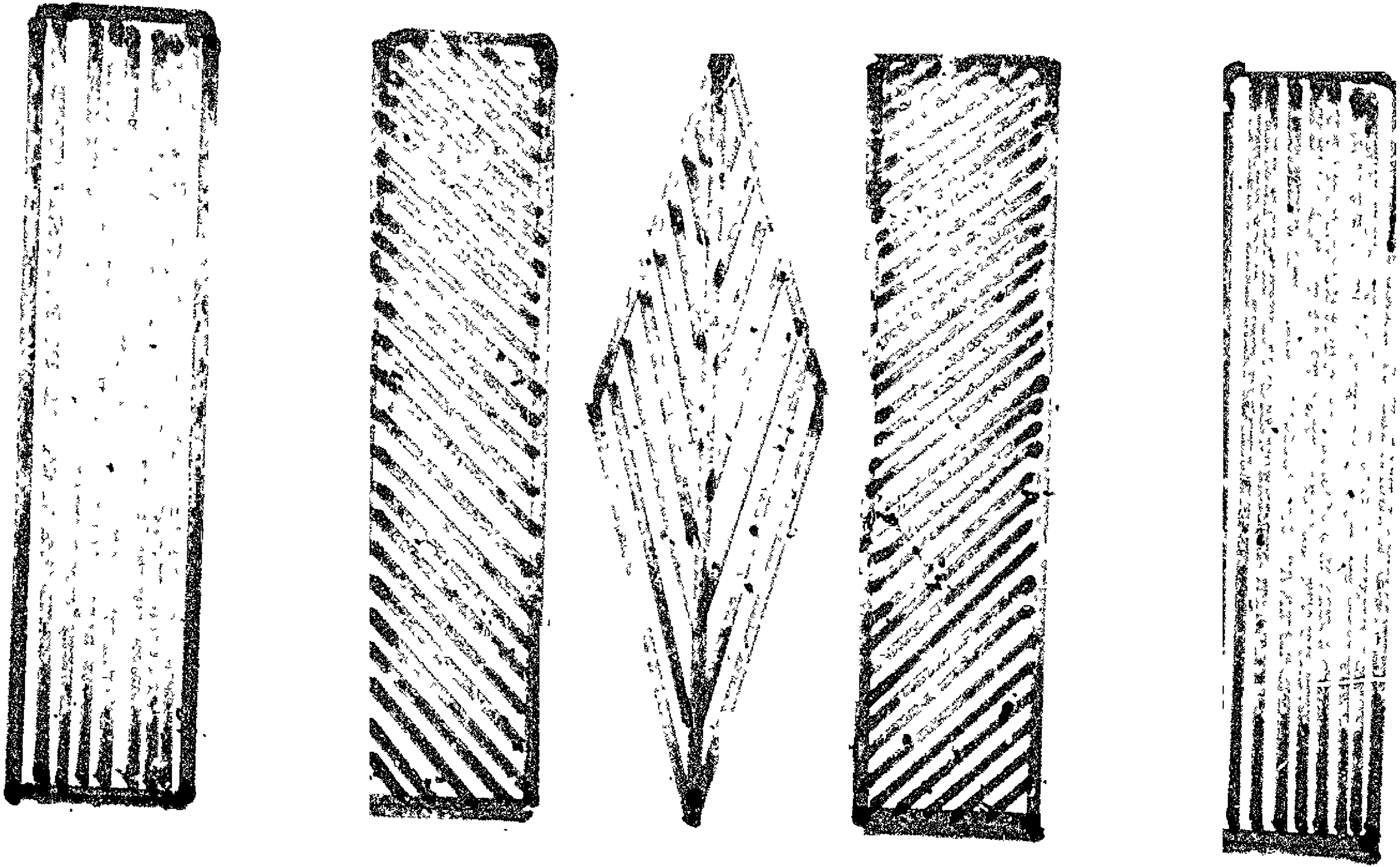

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Sd/- Shrinivas Narsinh [illegible]
Pleader

Sd/- Robert Whitley on behalf
of West Patent Press Co. Ld.

Sd/- G. S. Vithal
Pleader

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Sd/- V. V. Wagle
Subjudge

Worked by
[illegible]

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Judgment

In the Court of the Joint Sub-Judge

at Dharwar.

Civil suit No. 327 of 1912.

Shri Jagadguru Andaniswami Guru Andaniswami

Sansthan Math Mundargi by his Vatmuktiar

Sangya Shidlingayya Kurnigi Taluka Gadag..plaintiff.

Against.

Mahalingaswami Guru Silviraswami Devamandirmath

of Manakvad.

2. Totadswami Guru Totadswami Durbar of Gadag..Defts.

Claim Rs.611-14-0

The plaintiff sues to recover possession of the immoveable property described in the plaint, the moveable property described in the plaint, the moveable property or Rs.100 for its value, and mesne profits from date of suit alleging as follows:- The property (Viz- the Aivakta Math at Manakvad, portions of Revision Survey Nos. 71,13,31 and 1 in the same village and silver things) is the property of the Devamandir Math of Manakvad. This Math was founded long ago and the owners of it in succession were Shri Andaniswami alias Chenabasavaswami, Shri Gangadharswami, Shri Dodshidlingaswami and Shri Shidviraswami. The last of these Adhisadhus died in 1908. Thereupon all

-- the followers in that village settled to appoint the defendant No.1 to be the Adhikari, had all powers in that behalf given to deft 1 by plaintiff and passed a registered Adhikarapatra on 9th September 1908. Deft 1 accordingly exercised the powers and did Vahivat of the property for some time. On 31st September 1911 deft 1 made over all

rights in respect of the Math by a Sammatpatra passed by him and all the followers. By reason of this deed and the fact that the powers in respect of the Math were derived from the very outset from the Pltff's Math, plaintiff is full owner of the Math in suit. Plaintiff even did Vahivat of its property for some time. Yet defendant 1 with the aid of Shri Totadswami caused his own name to be entered in the revenue records as owner and dispossessed plaintiff. The cause of action accrued about June or July 1912.

Defendant No. 1 answered as follows:- Plaintiff is not Jagadguru as he has described himself. The property in suit does not belong to plaintiff. Nor has he any interest in it. The property did not belong to the persons named in the plaint. Shri Jagadguru Totad Swami of Darbar is owner of the property and is in possession. Andaniswami alias Chenbasavaswami referred to in the plaint was the disciple of Shri Totadswami. He and his successors were in Vahivat of the Math in suit and its property only as disciples and trustees of Totadswami and never as owners. Plaintiff has had nothing to do with the above Andaniswami or his successors. Deft 1 is the said Andaniswami's heir and not plaintiff. The suit is barred by limitation. Shidvireswami was in Vahivat of the Math and property in suit till death. Deft 1 thereupon entered the Virakta order and began to do Vahivat of them on Totadswami's behalf as Adhikari, getting possession from Totadswami and some people of the village are not owners of the Math or its property. The allegation that defendant 1 derived powers from plaintiff is not true. Defendant 1 is not bound by the recitals in the Adhikarapatra. The Sammatpatra is not genuine and defendant does not admit it. It was obtained

from defendant by the misrepresentation that Totadswami was to give to deft 1 another Math and was to - - give the Math in suit to his disciple Andanaswami of Mundargi. Defendant 1 never intended to pass any deed in favour of plaintiff who is not Totadswami's disciple Andanaswami. It is also void for want of consideration. Plaintiff was never in Vahivat of the property in suit. Defendant 1 was in possession and now Totadswami is in possession (Ex.15).

Defendant 3 (Who was subsequently added) answers as follows:- Plaintiff has described himself wrongly. He is not Jagadguru and should call himself only Andanaswami. Plaintiff has no sort of right in the property in suit. Neither he nor his predecessors were ever in Vahivat of it either by themselves or through others. The suit is therefore barred by limitation. Defendant 1 and his Gurus have been in Vahivat of the property in suit for a long time as disciples of defendant 3 and by the consent and on behalf of defendant 3 and his predecessors. Plaintiff did not get possession under the consent deed. Defendant 3 is now in possession through another disciple. Plaintiff and his predecessors are disciples of defendant 3. Defendant 3 is also heir to all the property of plaintiff's immediate predecessor (Ex.33).

The issues framed by Mr.C.V.Patwardhan are:-

1. Whether it is proved that Shidvireswami left a direction to his followers at the time of his death to appoint a successor to him?

2. If so whether the direction was valid on account of want of consent of defendant 3.

3. Whether the holder of the Math for the time being had no authority to appoint his successor without the consent of defendant 3.

4. In case the holder of the Math were to die without nominating his successor, whether the village community and followers have the right to nominate the successor.

5. Whether defendant 2 is the owner of the Math and properties in suit either because as alleged by him he is the Guru of the founder and his successors or because he succeeded the last holder as his legal heir.

6. Whether defendant 1 executed the deed of transfer or consent to plaintiff on account of misrepresentation and fraud on the part of the latter.

7. Whether the said deed is invalid for want of consideration.

8. Whether defendant 1 had the right to transfer the Math and properties in suit to plaintiff in the way he has done.

9. What relief should be granted to plaintiff.

No more issue is sought.

My findings are as follows:-

Issue 1. Yes.
Issue 2. No.
Issue 3. He had it.
Issue 4. No finding can be recorded.
Issue 5. No.
Issue 6. Yes.
Issue 7. No.
Issue 8. No.
Issue 9. None.

Reasons.

Before considering the issues seriatim it is I think necessary to make some observations as to issues 1 to 4. It is not easy to understand why these issues were -- framed. They do not appear to me to arise upon the pleadings themselves. The point which they apparently seem to

involve is the validity of defendant No.1's appointment as Swami of the Math in suit and the consequent incapacity of defendant 1 to transfer the Math and property. This validity was not however questioned either by the plaintiff or the defts in the pleadings, the written statements of defts only setting up the plea that defendant 1 was a mere nominee of deft 3 and that deft 3 is the owner of the Math and properties. From Mr.Patwardhan's notes made at the framing of the issues that deft 3 contended that the appointment by each Swami of his successor was made with his (deft 3's) consent and that this alleged right was based on his ownership about which issue 5 was framed. This was the attitude of the parties at the trial too. I have therefore been at a loss to understand how issues 1 to 4 came to be framed at all. Issue 3 might have arisen if it had atleast been pleaded by the plaintiff that he was appointed to be successor by defendant 1. This plea does not appear to have been suggested until the stage of hearing arguments in the case. However, the experience and ability of Mr. Patwardhan lead me to think that these issues were considered by him to be necessary probably by reason of something which transpired then and of which there is no record. Also issue 1 has incidental bearing on issue 8. I accordingly record my findings thereon with reasons in brief.

Issue 1. Plaintiff's witness Ex.200 and defendant's witness Exs.328 and 329 say that Shidvilaswami directed some men of the community before his death to get a disciple and instal him. Defendant's witnesses differ from plaintiff's witnesses in that they say that the Hari

i.e. disciple was to be got from defendant 3. I cannot

believe defendant's witnesses in so far they introduce defendant 2 as a person having any right in the appointment of the successor. But I believe them when they say that Shidvirswami gave directions to his followers to go there and appoint him as Swami. The deed Ex.35 which was made before disputes arose as to the Math recites such directions. I find the issue in the affirmative.

Issues 2 and 3.

The findings on these issues depend upon issue 5. For the reasons given under that issue I find issue 2 in the negative and hold on issue 3 that the holder had authority to appoint his successor without the consent of deft 2.

Issue 4:- The following observations of Sir Barnes Peacock in his judgment appealed against to the Privy Council appear to be pertinent on this and other issues in the case. His Lordship observes "The endower has a right to lay down the rule of succession, where no such rule has been laid down, it must be proved by evidence what is the usage in order to carry out the intention of the original endower. Each case must be governed by the usage of the particular Mahantship"Vide 11 Moore's Indian appeals 130. This passage has been cited with evident approval by the Privy Council in the case in I.L.R. ~~XX~~ 1 Madras page 235. The Math in suit was founded in the year 1853. There is no evidence in the case of any definite rules of succession providing for the contingency contemplated in this issue. And, so far as the evidence in this case goes, there has yet been no instance of the appointment of a Swami after the death of the preceding Swami without leaving directions unless issue 1 is to be found in the negative. If Shidvirswami

is held to have died without leaving directions then the appointment of defendant No. 1 must be held to have been made independently. But my finding on issue No. 1 above renders this hypothesis untenable. Thus in the history of this Math there has been no instance of succession or appointment bearing on this issue. But, it has to be observed that the Math was endowed with building site and other property by the people of Manakvad where the is situated. Ex. 35 passed to defendant 1 on his appointment in 1908 states that the Swami himself has to nominate his successor with the consent of his followers. It is not established that the consent of any stranger has ever been taken for any appointment to the Math so far or that such consent is necessary. There is thus every reason to say that the power to appoint a Swami in the contingency contemplated should be and is with the village community and followers. Witnesses Exs. 69,70 and 71 also say that the community has the power to make the appointment. Accordingly I would find the issue in the affirmative if I must record a finding at all. However the statements of witnesses Exs. 69,70,71 do not refer to the Math in suit but the powers of the community generally. And plaintiff's witnesses Ex. 301 says that the power is with the community and village officers. In this state of the evidence I prefer to hold that no finding can be recorded on the issue.

Issue 5. The Math in suit was founded by Andaniswami alias Chanbasavaswami. The learned pleader for the Pltf (Mr.Pavate) stated in opening his case that this Andaniswami was originally Swami of plaintiff's Math at Mundargi, that he abducted his office and that he thereupon founded the Math in suit at Manakvad. It has to be seen in the first instance whether defendant 3 is Guru

of this founder. It has not been contended before me that defendant 3 was personally the initiator of the founder into the Virakta (or ascetic) or any order. What is claimed is that one of the defendant 3's predecessors, who are all called Totadswami, was Guru of the founder. I hold that this part of defendant's contention is proved. According to plaintiff's Vatmukhtiar (Ex.101) plaintiff's predecessor was alive in the year 1955. Ex.343 is a copy of this predecessor's deposition. Therein he says that his predecessor Andaniswami of Manakvad was installed at Mundargi by Totadswami. The reference to his predecessor Andaniswami as "of Manakvad" and to the fact of that Andaniswami's having surrendered his Ashrama to Totadswami as stated in that very deposition taken with the admission of Mr.Pavte that the founder of the Math in suit had abdicated his office leave no doubt in my mind that that predecessor of the deponent in Ex.343 was the founder of the Math in suit at Manakvad. Better proof of the fact can hardly be available after this lapse of time. I hold accordingly that one of defendant 3's predecessors was Guru of the founder of the Math in suit There is no satisfactory evidence to prove that either defendant 3 or any of his predecessors were Gurus personally of any of the founder's successors to the Math in suit, up to and including Shidvirswami. It is however contended that since one of defendant 3's predecessors was Guru of the founder, that predecessor of defendant 3 and all his successors stand as Gurus to the founder of the Math in suit and all his successors. No authority has however been cited for this proposition either in custom or texts. I hold accordingly that defendant 3 is not proved to be Guru of either the founder of the Math in suit or his successors upto and including de-

fendant 1's predecessor Chidviraswami. It is I think unnecessary to decide whether defendant 3 is the Guru of defendant 1. Defendant 3's case does not improve a bit even on the assumption that defendant 3 is the Guru. No text is cited or usage proved by which a Guru is entitled to all property acquired by his disciple. Defendant's witness Ex.316 attempted to support the rule by instances. But very slight cross examination dissolved these into nothing. On the other hand this witness himself gave an instance of a disciple of defendant 3 who is now a Swami and claims to be independent of defendant 3 and equal to him in position. Plaintiff's witnesses Exs. 69,70 and 71 do not say more than that if a disciple, appointed to a Math by his Guru or sent to another Math by his Guru's orders, acquires property, he acquires it for his Guru. These statements seem to me to refer to acquisition of property by the disciple for the Maths which are subordinate to the Guru and to which he sends his disciples for management on his own behalf. The statements of these witnesses do not help defendant 3. Indiraswami alias Chennabasaswami was not appointed or sent to a Math already in existence and subordinate either to defendant 3 or his predecessor for it was he who founded that Math in suit. Thus even assuming that the founder's Guru was alive at the date the Math in suit was founded, (of which however there is no evidence) there is no evidence of any rule under which that Guru would be entitled to the newly founded Math. That Guru's successors are not ~~the~~ proved to be Gurus of any of the founder's successors including Sidlingswami one of whom namely Doddachidlingswami acquired some property. The alleged rule has therefore no application. Then, as to defendant 1 even if it is assumed that

defendant 3 is his Guru it is not either alleged or proved that any of the property in suit is defendant 1's acquisition. On the other hand, the documentary evidence shows the immoveable property attached to the Math and the right of the Swami to the Rakhs and Labs were all acquired long before his appointment in 1908. Nor is there any satisfactory evidence to prove that defendant 3 or any of his predecessors exercised any authority at any time in matters relating to the administration of the Math in suit and its property or in the appointment of any Swami thereto. Defendant 3 has got no reliable record to show that the Math in suit is his or his predecessor's. Witness Dw. 340 has admitted that entries in defendant 3's accounts relating to the Math in suit (which is the only documentary evidence of defendant 3's right) date only from 24th April 1912 i.e. shortly before this suit and a considerable time after the execution in plaintiff's favour of Ex. 196 which has led to the present suit. The witness, who is a clerk of defendant 3, seeks to explain this on the ground that till then it had been agreed that each Swami of the Math should only be responsible for the up-keep of the institution out of the income by lands, Labs Bhiksha (charity) &c and was not liable to send any part thereof to deft 3. The explanation is very plausible but is not proved to have any foundation in fact. There is no authority for it except the witness's own word. And it is superfluous to say that it cannot be accepted. None of the documents relating to the Math in suit contain any allusion to defendant 3 or any of his predecessors or any right of theirs in connection with the Math or its property. Defendant's witnesses (Dws. 336, 339, 338, 339 and 340) now say that defendant 1 was appointed by defendant 3 in the latter's own right — —

and that defendant 1 was installed by one Andaniswami of Kalamath of Mundargi under the orders of defendant 3. I may here also observe that at the argument in this suit the learned pleader for defendant No.3 admitted before me that the only right he claimed in respect of the Math in suit was the right to nominate the Swami. But Ex.35 is the deed passed on the occasion of defendant 1's appointment. It is executed by defendant's witnesses Exs. 328, 329 and 310 and attested by their witness Ex.330 and recites that in case defendant 1 should get a proper disciple for appointment as his successor that appointment should be made with the consent of all Bhakta-maheshvaras i.e. the whole body of devotees of the Math. Witnesses Exs. 328, 329 and 330 say that they were among those who went to defendant 3 for a Mari (disciple) for appointment and that it was in pursuance of their request that defendant 3 appointed defendant 1. Witness Ex.310 says that the Andaniswami who installed defendant 1, said he came under defendant 3's orders. And yet, we do not find in it the faintest allusion to these circumstances or to defendant 3's alleged right, although that was a very proper occasion for placing on record the alleged right of defendant 3 if the right had really any foundation. The omission of all reference to it in Ex.35 leads me to disbelieve the statements of these witnesses on this point. Witnesses Exs. 328 is also a dependent of defendant 3 and directly under his thumb. Witness Ex.339 only says that Andaniswami came for defendant 3. On not a single occasion before the appointment of defendant 1 defendant 3 or his predecessors are proved to have appointed the Swami to the Math in suit or to have been even consulted as to appointment. Ex.37 the

deed of appointment by the founder of his successor completely ignores defendant 3 or his predecessors. So also does Ex.31 the will by which Shidvirswami was appointed by his predecessor. The statement of Ex.327 (Vatnuktiar) that defendant 3's consent had been obtained for this appointment lacks corroboration from any quarter and cannot therefore be relied upon. Then comes Ex.55. And defendant 3's Vatnuktiar (Ex.33) had admitted that Maths in which swamis appoint their successors without consulting defendant 3 are not subordinate to defendant 3. Ex.337 admits further that they had not heard of Shidvirswami's death until witnesses Exs. 338,339,340 and others went to defendant 3 for a Mari. This too would be very strange if defendant 3 had really any interest in the Math or the appointment to it. For, these men state that they went to defendant 3 about a week after Shidvirswami's death and, if the allegation of defendant 3's right had been true, atleast witness Ex. 338 who is the manager of defendant 3 in another Math (in the same village) admittedly belonged to defendant 3, would surely have apprised defendant 3 of Shidvirswami's death. Defendant 3's witnesses Exs. 345 and 346 say that they heard the talk some Manakvad men had with defendant 3 when they came to him for a Mari. But their evidence is vague and unconvincing. Even if their statements be accepted as true they do not prove anything in favour of defendant 3. Their evidence cannot be taken as corroborating witnesses Exs.338,339 and 340 for they do not say it was those witnesses that came for the Mari. As Ex.35 – – recites, the people were in search of a Mari to be appointed by them in accordance with Shidvirswami's directions. And it is quite probable that those who went to defendant 3 for a Mari went there only in this search. It cannot indi-

cate any right of defendant 3 in the appointment. For these reasons I hold that defendant 3 is not proved to be owner of the Math in suit or its property or that the Math is a subordinate to him in any sense, or that defendant 3 has any right or voice in the appointment of a Swami to the Math.

I have only to deal with one other point out of this issue viz- whether defendant 3 is entitled to the Math and properties as heir of the last holder Shidvirswami. I have held already that defendant 3 is not proved to have been Shidvirswami's Guru at all. I also hold that even if he had been his Guru he is not entitled to succeed as his heir. So far as rights of ownership in the building and lands of the Math goes none of the Swamis have it. The owner is the Math itself, which in Hindu law is a judicial person capable of holding and acquiring property (I.L.R. 32 Bombay 215 and 13 Bombay 217). That person has no ~~[illegible]~~ death and therefore there is no occasion of inheritance to rights of ownership of the property. And, as to the office of Swami, the succession is regulated by the usage and practice of the Math. The rule of inheritance under which the Guru succeeds to the disciple applies only to the personal property of the ascetic disciple (which would however be irregularly acquired for an ascetic is not strictly capable of owning or acquiring property) and not to the property of Mahantship or Math, vide observations in 19 Weekly Reporter page 315. For these reasons I find this part of the issue too against the defendants.

Issue 6. The misrepresentation and fraud alleged in this case is that defendant 1 was told that the deed -(Ex.196) which he executed was in favour of one Andaniswam

Guru Kotadswami of Halomath of Mundargi and not plaintiff Anandswami of Hosmath and that he (defendant 1) was to be given that Halomath while that Anandaswami was to be brought to the Math in suit. The witnesses on this point are Exs. 328, 329, 330, 339 and 340 besides defendant 1 (Ex. 331). The case for the defendants is that the whole thing was engineered by plaintiff's witness Ex. 300 on Pltff's behalf. The witnesses do not say that they were present at the misrepresentation to defendant 1 and execution of Ex.196 by the latter. They say that after defendant 1 had executed Ex.196 they were sent for by Uppin Chenbasappa (plaintiff's witness Ex.300) and that on arrival at his house they were asked to attest the deed on the very same representations that are alleged to have been made to defendant 1 himself. They say further that the description of the transferee in Ex.196 as Anandaswami [illegible] Guru Anandaswami and not Guru Kotadswami roused their suspicion, that they therefore refused to attest it and immediately went to defendant 1 to enquire how he came to execute that deed, and that it was then that defendant 1 complained of similar representation made to him too and discovered the fraud practised upon him by Chenbasappa. This story has not been materially shaken in cross examination. On the other hand it is supported by several circumstances in the case. It will be observed that out of these witnesses Exs. 328, 329 and 340 were executants of Ex. 55 passed on the occasion of defendant 1's appointment to the Math in suit. It was therefore natural for those in charge of the completion of Ex.96 to desire that it should be fortified atleast by the attestations of these three witnesses. Further, these witnesses say that they lost no time in informing

defendant No.1 of the real contents of the deed. And plaintiff's own witness Chonbasappa admits that b the morning after the date of Ex.196 defendant 1 was unwilling to have it registered (vide also statement of Ex.203 that defendant 1 refused next day to register it. This change in defendant 1 cannot be satisfactorily explained otherwise than by accepting the witnesses' allegations as true. The only other explanation suggested before me by the learned pleader for the plaintiff was that witness Ex.238 instigated defendant 1 to oppose registration and that in this the witness acted on deft. 3's behalf. This explanation does not appear to me to be satisfactory. According to the account of plaintiff's own witnesses none of the people who were called on the occasion had any knowledge of the intended transfer until they actually arrived at the Math. I have no doubt therefore that witness Ex.238 was not in a better position and had no time to correspond with defendant 3. And I cannot believe that the witness, a mere subordinate of defendant 3, would go the length of taking up a quarrel on defendant 3's behalf without the latter's instruction or authority which there was no time to obtain. Thus, there are circumstances to support the account of defendant's witnesses referred to above. Circumstances corroborating that allegation of misrepresentation and fraud are not lacking. Plaintiff's witnesses Exs. 200 and 203 would have the Court believe that defendant 1 himself was eager in executing Ex.196. Assuming for a moment that plaintiff is defendant 1's Guru, what explanation is there of the change in defendant 1 from eagerness and ardour for the Guru to complete hostility in a single day except the one I have already consider-

ed, that is a strong indication of unfair play towards defendant No. 1. I may also observe here that it is not proved that plaintiff is defendant 1's Guru. The witnesses who speak on this point are Ws.200 (Chenbasapa), 318 and 319. They do not appear to be reliable witnesses. My remarks about their demeanour are in my English notes of their depositions. It is contended for the plaintiff that the Andaniswami mentioned in Ex.55 as having installed defendant 1 in the Math in suit must be plaintiff and cannot be Andaniswami of Halmath. It is alleged that the latter was not qualified to instal defendant 1 in 1908 in as much as he was made Anandacharanti only in 1911 and was called only Mrityunjayaswami till that date. It is true that in the notice Ex.351 as to the ceremony of making this Andaniswami as Andancharanti he is called Mrityunjayaswami by defendant 3. But defendant 3 is admitted by the Guru of this Andaniswami and by virtue of that position may well have called him Mrityunjayaswami. That is not sufficient to show that this Andaniswami had not been appointed to the Halamath of Mundargi or that he was not called Andaniswami by others. No rule is shown debarring a person being called Andaniswami unless he is made an Annadancharanti. Plaintiff's own witness Ex.71 says that Andaniswami is only a name. And every Swami of plaintiff's Math goes by that name. It is not shown that at the time of defendant 1's installation Andaniswami of Halamath was not qualified and plaintiff was qualified to instal defendant 1 by indicating him into the Virakta order. The next circumstance worth noticing is the hurry with which the document was made. There is no light as to what transpired until the writing and execution of Ex.196. The curtain openmonly on this.

None of the persons present at it had any previous knowledge of it and it was completed at once as plaintiff's witnesses say. Also, though persons able to read and write were available in the village the document was written by a stranger. Here it may be observed that defendant 1 says that the document was brought to him ready written. This allegation is supported by the conflict in the statements of Exs. 191 (plaintiff's Vahivatdar), 300 and 303, the first saying that defendant 1 dictated the contents of Ex.196 and that the other two saying that defendant 1 only asked the writer to write the deed and the statement of witness Ex.309 who states that Shombasappa himself - - dictated it. It is also significant circumstance that the attestations of persons of Shisvinhalli, who according to plaintiff's witness Ex.303 are not among the community of the Math in suit, and even of a Rajput (witness Ex. 308) have been taken on Ex.196 in the apparent anxiety to swell the number of signatories to the deed. Also, as I shall show below under issue 8, there was no good ground for transfer. A circumstance which facilitated execution of the design is that defendant cannot read and cannot write anything but his name and that he is dull of understanding. Plaintiff's own witness Ex.300 stated in cross examination that defendant 1 had no experience of business matters and consults others before making documents. In re-examination however, he tries to explain this by saying that defendant 1 has no experience of cotton business. How absurd this explanation is would be evident on reference to the question and answer in the cross - examination. The question was so clear that there could not possibly be any room for misunderstanding it especially by this witness who was a teacher for a considerable time. The attempted explanation only shows the attitude

and animus of the witnesses. It seems to me to be very likely that defendant 1 took the advice of this witness from time to time. For, the witness says that on the day of Ex.196 he went to the Math as usual for writing and paying respects. Having regard to this admission by the witnesses the statements of defendant 1 and of witnesses Exs. 328, 329 and 330 that witness Ex.300 (Chenbasapa) assisted in the management of the Math seems to be correct not_with_standing some discrepancies in their and defendant 1's statements as to when he began to assist defendant 1. Thus it appears very probable that this Chenbasapa was in the confidence of defendant 1 and was caught hold of by the plaintiff for the successful execution of his design. It will be observed that the plff has not gone into the witness box and submitted himself for cross examination. His Vatmukhtiar professes ignorance of the negotiations leading to Ex.196. Plaintiff's case is that plaintiff was present in person at the writing and execution of Ex.196 whereas defendants' witnesses on the other hand deny his presence. This is not a mere passing allegation. If it were proved that plaintiff was present in person that would be a complete answer to the plea of misrepresentation for defendant 1's plea as to the identity of the transferee would then at once fall to the ground. There may be other points on which defendants would have cross examined him. But the two points viz- negotiations and identity of the transferee are those that strike me as most important. And plaintiff has, as I think shrunk from going into the witness box not_with-standing that the Court clearly gave his pleader to understand and sufficient time that adverse presumptions will be drawn against the plaintiff in case of such a failure not

explanation of custody. The only reason suggested for his non-appearance is that he has never attended the Court before. That however cannot be regarded as a sufficient explanation for he is not exempted from personal appearance in Court. I accordingly presume that the plaintiff's failure is due to his unwillingness to state falsehood in Court as he would have to do if he wished to support his case and that he has admitted that part of the rent to his Vahiwatdar.

It was sought to be proved for the plaintiff that he got possession of the Math property under Ex.196. I have no hesitation in holding that he did not get possession at all. So far as the Math goes, the evidence of plaintiff's own witnesses Exs.201 and 202 leaves no doubt that defendant 1 was himself in possession for about fifteen days after Ex.196 and that since then the agents of defendant 3 have been in possession. As to the lands plaintiff's Vahiwatdar Ex.194 states that the rents for the year in which Ex.196 was passed had been paid in advance to defendant 1 by the tenants who were in actual possession. Only an attempt to show possession was made in April 1912 when the rent notes Exs. 311, 314 and 317 were passed by witnesses Exs.310, 313 and 316. But they say that they were obstructed even before they entered the lands. And I do not believe them when they say they they harrowed the lands twice. It must be remembered that these rent notes were taken long after defendant 1 had refused to register Ex.196 and defendant 3's agent came to the Math. The rent notes were nothing more than an abortive attempt to get possession through the Mamlatdar by making a show of possession. The statement of witness Ex.318 gives the clue for this part of this case. Plaintiff's

pleader wanted to prove a rent note said to have been passed by this witness. But the witness persisted till the last in saying that the document was passed to and not by him. He also says that he paid nothing for registration fees. That shows most strongly that the executants of the rent notes were told and believed that the deeds were only formal and that plaintiff's Vahivatdar Ex.194 was anxious to get them made somehow. The statements of witnesses Exs.310, 313 and 315 that plaintiff was personally present at Manchwad at the time the lands were let to them shows how false the allegations of the lease are. The statements of other witnesses Of Exs.308 and 309 that possession was delivered instantly i.e. on the execution of Ex.196 by an oral declaration to that effect by defendant 1 cannot on the very face of them be accepted, and even if accepted, cannot prove any real and effective possession after the opposition from the day immediately after the date of Ex.196.

Plaintiff has produced all the documents relating to the Math and its property and contends that that is a circumstance showing execution of Ex.196 with free consent. Defendant suggested that the documents were removed by Chenbasapa and handed over to plaintiff. This is very probable. There is no satisfactory evidence to show when plaintiff got them. At any rate it is not proved that they were delivered by defendant 1 after he had discovered the deception practised upon him. It may even be assumed that simultaneously with the execution of Ex.196 he himself not only handed over the documents but also said he had delivered possession of the property. However, it is not satisfactorily proved that either plaintiff or Ex.194 was present then. Therefore the only inference that arises is that defendant 1 then delivered the docu-

ments to either to Chenbasapa or to some body else actin, for the supposed transferee under Ex. 196. What would on show his consent at the time Ex.196 was passed by him b can really be of no assistance in determining whether the consent was free or whether it was obtained by fraud and misrepresentation as alleged.

Two facts were urged for the plaintiff as bein against the allegation of fraud to Viz- the omission of defendant 1 to state particulars in his application to the District Registrar opposing the registration on the ground that Ex.196 was fraudulently obtained and the omission of defendant 1 to inform the village people of the fraud when it was discovered. These are not, in my opinion of any consequence whatever. It was not neces sary for defendant 1 to state particulars in his appli- cation. As to the second point, having regard to the poor understanding capacity of defendant 1 it is pro- bable that he really did not know what to do and thought that his refusal to register Ex.196 was sufficient for all purposes. The only circumstances which has ever made me hesitate as to my finding on this issue and that deft made in his cross examination some statements to the effect that he executed Ex.196 on the representation that it was a Muktyarpatra in favour of Chenbasapa and no other andthe purchase of the stamp ~~paper~~ paper for Ex.196. I have recorded my impressions of defendant 1 below the English notes of his deposition Ex.324: and I have stated that he answered many questions in cross- examination mechanically. This remark applies to the answers referred to and my recollection is that his - answer to the question which were leading in form was nothing more than the sound "hum" in mechanical assent

to the truth of the fact suggested in the questions give as I think in the belief that the acceptance of the suggestion implied in the questions would advance his case. Really I cannot give him the credit for the explanation given by him in re-examination on the adjourned date. I have no doubt that it was suggested to him by some body else. As to the purchase of the stamp paper for Ex.100, defendant 1 admits that he accompanied Chenbasapa (Ex. 300) for it. The purchase is dated 3 days before the deed itself. On the whole, in view of Chanbasapa's admissions as defendant 1's inexperience in business matters and documents and the relations subsisting between him and defendant 1 as aforesaid I think it very likely that Chenbasapa got defendant 1 to purchase it by some ruse of the kind suggested by defendant 1 viz- that it was required for a Mu[illegible].

For all the foregoing reasons I believe the evidence for defendants on this point and find the issue in the affirmative.

Issue 7. The deed (Ex.100) is called a Sammatipatra or a deed of consent. But, it contains words viz- "We have presented" which show that it is really a gift in favour of a person who is called defendant 1's Guru. I hold accordingly that it is not void for want of consideration.

Issue 8. In addition to the passage cited above from 11 Madras Indian appeals I think I ought to quote also the following viz "it is to be observed that the only law as to these ~~[illegible]~~ Mahants and their offices, functions and duties is to be found in custom and practice, which is to be proved by testimony". In another case viz- 1 Indian appeals page 209 their Lordships observe" The

important principle to be observed by the Courts is to ascertain, if that be possible, the special laws and usages governing the particular community whose affairs become the subject of litigation and to be guided by them. That principle was laid down by this Committee in an appeal involving the succession to the office of Mahant of a richly endowed Math in Rajgunge, in these terms".

Accordingly it becomes necessary to ascertain the custom and practice of the Math in suit. As I have already stated, it was founded in year 1853 by one Andanaswami alias Chanbasavaswami. In that year, a gift of building site was made in his favour by four persons "for performing Linga-puja and blessing us" (Ex.30) and some of the village people executed an agreement in favour of the founder to pay to the Math certain Babs (perquisites) in kind at rates fixed therein. (Ex.38). On the date of these two documents the founder passed the deed Ex. 33 adopting one Gangadharswami as disciple (literally 'son') to the Adhekar or office of Swami of the Math. The deed recites that the adoption was made in presence of (Vidyaman) the Patil, Kulkarni, Shetti and the community and having regard to the endowment, agreement as to Babs and the adoption having been all made on the same day, there is a strong presumption that the selection of the disciple was made in consultation with the community. Ex.31 dated 1880 is a deed of sale of a back yard to Pod-shidlingswami Guru Gangadharswami in the usual form. Exs. 36 and 37 are respectively a Will (dated 1890) and a gift (dated 1898) of certain property in favour of the same Pod-shidlingswami for -- specific purposes set out therein and recites that the

that the Swami should utilise and make Vahivat of the property in the line of Shishyas (disciples) in succession. Ex. 37 is a gift dated 1899 of other property also in favour of Dodd-shidlingswami. It says that by it the Math the Math is full owner and the Swami should make Vahivat of the property in the line of Shishyas in succession. Then comes Ex. 34 a will dated 1900 by which the said Dodd-shidlingswami appointed Shidvirswami as his Mari (or disciple) and successor. He says "Till now I have conducted the Raumatya (administration of alms house or temple or Sub-district English Kittel's Canarese Dictionary) of the said Doramandirmath in the manner it was conducted during the (Melo) line of my Gurus in succession. It is continue in this very manner even hereafter". It then recites that the Math has got property given by devotees and acquired by himself and proceeds to appoint Shivavirvirswami as Mari. It bears attestations of about twenty persons. Last comes Ex. 35 referred to above and dated 1908. It has to be borne in mind that it was made before any controversy about the Math in suit. It is passed by six devotees of the Math and states that the late Shidvirswami had directed them before his death to get a suitable Mari according to the pleasure of the Melo community that though it was necessary both for Shidvirswami and them to appoint a Mari as Karta it was not done as they did not expect Shidvirswami to die then, and that accordingly they requested defendant 1 and got him installed by Andaniswami of Mundargi. It then proceeds to provide as follows:-

"You have power to do Vahivat of the moveable and immoveable property and the Haks and Rabs relating to the Math during your life time. If you hereafter get a good Mari for nomination as Swami to this Math after you, you

have to do this with the consent of all our Bhakta-maheshwaras". It also describes "the property appertaining to the Math which has been with us till now". Upon all these facts I hold that the Math and property do not belong either to the Swami or to the community jointly or severally, that the owner is the foundation called Deva-mandir Math which is a recognised judicial person in Hindu law and the Swami for the time being is only the Karta and Parupatyagara i.e. manager and administrator. I also hold that the usage and practice as to the rule of succession to the office of Swami in the Math, so far as it is established in this case, is that it descends from Guru to Mari (disciple), that such Mari is to be appointed by the Swami with the consent of the community where the appointment is made in the life time of the Swami and that he is to be appointed by the community when the Swami dies directing them to appoint one and before an appointment in his life time. It is in the light of these conclusions that the validity of the transfer to the plaintiff has to be considered.

The transfer (Ex.190) is as I already observed called a Samatipatra or deed of consent. It purports to be executed by defendant 1 and "the whole body of devotees signing below". It refers to the appointment of defendant 1 and the delivery of property to him, recites that the transferee installed defendant 1 and has been the Paramar Guru for the whole line of Gurus of the Math in suit and that the transferee was himself the Katri (probably badly written for Karta) thereafter and proceeds to state that for these reasons the executants have with great pleasure all property moveable and immoveable to the transferee. The property is then described. It concludes as follows:-

"We have, with the consent of all of us and out of reverence, presented to you the Math, the moveable and immoveable property under it, all the Naks and Labs payable to the Math for making independent Vahivat of the same, and given possession to you of the moveable and immoveable property. We and the disciples deriving Adhikar (authority or office) from you have full power to make Vahivat of the moveable and immoveable property and the Naks and Labs due to the Math according to your pleasure. We have ...... presented to you whatever rights we and the devotees have in the moveable and immoveable property relating to the Math and in the Naks and Labs etc. attached on your signatures etc."

It is on the strength of this deed that plaintiff claims to be full owner of all the property in suit and seeks to recover possession thereof. (I may state here that though in the plaint plaintiff claimed similar right on other grounds even prior to this deed, that contention has been abandoned, vide Exs. 55, and (5)). The plaint also describes the several Swamis of the Math in suit as having been owners of the Math and property. Therefore, the first question is whether the executants of Ex. 196 had rights of ownership to transfer. The observations made by me above on the strength of the documentary evidence relating to the Math and property contain the answer to this question. Vide also I.L.R. 20 Bombay 215 and 13 Bombay 247. I hold therefore that defendant 1 and the other executants of Ex.196 had no rights of ownership and that plaintiff cannot get such rights by it. At the very last stage of the suit viz- only in plaintiff's argument after the evidence for both sides had been closed, the learned pleader for the plaintiff contended that the deed could

operate as an assignment of defendant 1's rights as -- manager or as trustee and argued also that defendant 1 was competent to resign that right and to require with or without the consent of the community who appointed him in accordance with defendant 1's predecessor's directions. The only authority cited by him in support of his contention and, I may also say, the only one cited before me by either side during the whole hearing and argument in the case, is the paragraph commencing at line 6 on page 110 of "The Hindu Law of Impartible property including endowment" by J C.Ghose (Edition of 190[illegible]). That passage runs as follows:--

"We have seen that as a rule a Mohunt has the right to nominate his successor. There can therefore be no doubt that if he renounces his office he can nominate his successor". Mr.Navle relied only on this part of the paragraph. But I think I should also quote the next and last sentence in that para viz- "When there is a well established custom regulating the succession, the Mohunt can only make over his office to the person who would be his successor according to such custom".

It will be observed that the case thus made at the argument is quite new and if it would be given effect to, the defendants would have every right to complain for it is quite conceivable that he might have had to shape his line of defence and cross examination in a somewhat different manner. However, in the view I take of the contention it appears to be unnecessary to -- afford the defendants an opportunity of meeting this part of the case.

The argument really involves two distinct points viz- (1) whether defendant 1 validly appointed the plaintiff to be his successor in office in accordance

with the usage and practice of the Math in suit, and (3) whether, in case he was not validly appointed, it was competent to defendant 1 and the other executants of Ex. 106 to permanently assign the right of management to both plaintiff and his disciples. In my opinion these points must be answered against the plaintiff for the following reasons:—

As to the first point, we have seen that the rule of succession in the Math in suit is that it descends from Guru to disciple. It is also possible that there are certain ceremonies attending the adoption of a disciple and his installation. But this may be left out of consideration as no evidence has been adduced on this point obviously because the point was not taken earlier. There are absolutely no words in Ex.106 such as we find in Exs. 33 and 34 to the effect that plaintiff is appointed Deft 1's Sishya or disciple. Even plaintiff's [illegible] (Ex.104) has made contradictory statements as to whether plaintiff got the Adhikaram or the office of the Math in suit by Ex. 106: and it is remarkable that he first said that he did not get it only subsequently corrected himself and said that he got it. In the first instance there was no valid consent by the community. It has to be observed that Ex 106 is not proved to have been executed . I hold accordingly that it is not proved that plaintiff was appointed by Deft to be his Sishya and successor. Even if he was appointed, the appointment is not valid in law, for it offends against the practice and the rule of succession in the Math in suit. In the first instance there was no valid consent by the community. It has to be observed that Ex.106 is not proved to have been executed by the real representatives of the community, some of them were not even consulted.

Vide Ex.300. The signatories to Ex.199 are not shown to have been authorised by the community to act for them. Atleast those of the signatories to Ex.39, which, by reason of the acquiescence of the community therein for about three years may be presumed to have been executed by authorised representatives of the community, are not parties to Ex.199. Moreover Ex.300 has been subsequently passed in defendant 1's favour by more men of the community than Ex.199 which as I have already pointed out is attested by good many strangers. Also a Mohunt or other head of an endowment cannot alter the succession (I.A.R.360 and Trevelyan's Hindu Law 1913, page 558). A reference to I.L.R. 10 Madras 375 will also show that the Court has to see that the practice of the particular Math is strictly followed, and cannot allow an appointment which may appear to be equally good. In that case, the usage was found to be that the managing Tambiran at Tiruppanandal was entitled to select his junior and successor but subject to the condition that the selection should be made from the disciples of the Adhinam at Dharmapuram and that the Pandara Sannidhi of Dharmapuram was to invest the person appointed only when that condition was complied with. The Tambiran at Tiruppanandal however appointed by will the defendant in that case who was the managing -- Tambiran of the Adhinam at Tiruvavaduturai. On these facts the Court granted the relief declaring that defendant's claim was invalid and setting aside his appointment on the ground that he was not <u>eligible</u> for such appointment. That strict compliance with the custom of the Math is indispensable is further established by the Privy Council decision in I.L.R. 6 Allahabad page 1 in which the failure by a Chela to prove his allegation that he had been ~~nomi-~~ ~~nated. In the present instance the plaintiff instead of~~

installed was held fatal not-withstanding that he proved that he had been nominated. In the present instance the plaintiff instead of being a Mari or disciple of deft 1 claims to be his Guru and is not therefore eligible for appointment on plaintiff's own showing. For these reasons I find against the plaintiff on the first point. The claim for possession of the Math and property cannot therefore be supported for the property of a Math "is in fact attached to the office and passes by inheritance to no one who does not fill that office". (I.L.R. 3 Madras 175).

As to the second point. I may refer to I.L.R. 33 Bombay page 137 where the law relating to alienation of religious offices generally is stated in the following terms:- "It will be thus seen that in the case of private alienations the prohibition is not one of general application. As observed by their Lordships of the Privy Council no general custom can be pleaded in such matters. The rules of succession depend upon the nature of each particular foundation or office, and, in respect of it, custom and practice must govern and prevail over the text law which admittedly prohibits both partition and alienation". In the present case no custom indicating validating the assignment has been or could be pleaded. The text law must therefore prevail. The only case resembling the present one that I have been able to find in the books is the Privy Council case I.L.R. 1 Madras page 235. There (as here) the Mallans or trustees transferred the foundation itself viz- the pagoda, with the property owned thereby and their right as trustees. In short, the whole concern or trust was transferred subject to the same duties as had devolved upon the transferors. The High Court held such a sale to be incompetent to the trans-

ferees and the decision was upheld by the Privy Council. The transfer in that case was in the nature of a sale for a large amount only part of which was for the purpose of defraying the debts of the Pagoda. Even apart from that circumstance, however, their Lordships of the Privy Council observe that principle and reason seem to be strongly opposed to the power of persons holding such a trust to transfer it at their own will (Vide the last para at page 367). Also, some of the considerations pointed out against the transfer in that case hold good in the case. For, whereas prior to Ex.100 the community had some voice in the selection of the successor and therefore some control over the affairs of the Math on behalf of the village community who endowed it, after Ex. 100 which transfers the rights of the Swami and the community plaintiff and his nominees will have full and uncontrolled power in all matters. The plaintiff who, it is stated has about fifty other maths subordinate to her would presumably be too powerful for the community following the Math in suit. I may also add that atleast with regard to property given under Exs. 36 and 37 if not also as to the whole property of the Math and the Math itself, defendant 1 and each Swami would only in the positio of a trustee, as the gifts are for specific services in the temple. A somewhat similar case is to be found in I.L. 17 Calcutta page 557. There, however, it was expressly found that the transferors were not able to carry on the worship as they ought to have done. Accordingly, the alienation by the entire body of shebaits of the idol and property was up-held on the ground that it would be for the benefit of the idol and was calculated to carry out the objects of the founder. In the present suit, however similar conditions do not obtain. For, plaintiff's own

Witnesses Nos. 300 and 301 who were examined early at the trial had to admit that the plaintiff was an excellent man, that he managed affairs well, that he was found a very suitable man during the two or three years that he held office before O.S. 100 and that the community had no objection to defendant 1 and had no occasion to interfere. It was only witnesses Nos. 303, 305 and 306 who were examined later on that tried to make a case of mismanagement by defendant 1. I have not the slightest doubt that this was only an after-thought on the part of plaintiff's men in order to counteract the admissions of witnesses Nos. 300 and 301. Witnesses Nos. 305 and 306 do not belong to [illegible] but come from another village. No. 305 is not even a follower of the [illegible]. He is a [illegible] by caste. He was also plaintiff's Mukhtyar in the proceedings filed on plaintiff's behalf in the [illegible] Court. It is thus clear that the transfer was not and was not intended to be for the benefit of the institution itself. On the other hand, there is room for serious apprehensions that, without the check of local opinion, the management will be carried on by plaintiff and his successors in a high handed fashion. The case in I.L.R. 34 Calcutta page 557 cannot therefore help the plaintiff. It would also be futile to try to justify the alienation on the ground of the personal fitness of the plaintiff to perform duties of the office. The cases in I.L.R. 6 Madras page 76 and 17 Madras page 143 are clear cases where alienations of religious offices which were not in favour of the person standing next in succession were held to be involved notwithstanding that the alienee was otherwise qualified for the performance of the office. For these reasons I hold against the plaintiff on the second point too.

My finding on this issue is accordingly in the negative.

The suit accordingly fails.

O R D E R. The suit is dismissed. All costs to be paid by the plaintiff.

6th March 1915.

[illegible]

In the Court of [illegible]

[illegible]

[illegible] of 19[illegible]

[illegible] Guru [illegible]

[illegible]

[illegible]

1. [illegible]

2. [illegible]

3. [illegible]

4. [illegible]

5. [illegible]

6. [illegible]

7. [illegible]

[illegible]

[illegible] plaintiff [illegible] the [illegible] guru of [illegible] by non-[illegible] [illegible] the rights of [illegible] [illegible] that the [illegible] guru [illegible] the rights [illegible] honour [illegible] public [illegible] that [illegible] guru [illegible] the [illegible] present [illegible]

That [illegible] out in [illegible] very year on [illegible] and 11, [illegible] Monday and Tuesday [illegible] every [illegible]

S.10 and at the beginning of Margashirsha without fail: that it be taken out also when Plaintiff is called by his disciples for worship, and; and for that [illegible] at all times of the year: that it be taken out also when Plff [illegible] villages on his tours and visits his disciples' houses for the worship of his feet.

That the roads followed in the processions at Mundargi in Vaishakh, Shravan, Ashvin, and Margashirsha are those [illegible] also in the [illegible] in the plaint: that Plaintiff had had to take out a cross palanquin on the Monday of Shravan of Shake 1854: that defendant 1 induced deft 2 to make an application to the 2nd Class Magistrate [illegible] on [illegible]-1932 [illegible] other Defts, to the Sub-divisional Magistrate, that there would be a breach of the peace: that the latter Magistrate stopped Plff's [illegible] on [illegible]-1932: [illegible] but [illegible] this suit.

Plff prays for an injunction to the Defts that they should not obstruct Plff in going in a cross palanquin procession, [illegible] Panch-Kalash and Barudavali, on Vaishakh S.10 and 11, on last Monday and Tuesday in Shravan, on Ashvin S.10 and in the beginning of Margashirsha, in Mundargi and elsewhere at other times. He prays for costs also.

Defts 1 and 3 contended (Ex.17) that Civil Courts have no jurisdiction to try this suit: that Plaintiff is not a Jagadguru, but is Deft 1's disciple: that disciples before him, called Andanmaris like the Plff, denied that they were deft 1's disciples (Shishyas), and the High Court has held that they were Deft 1's Shishyas or disciples: that the Andanmari before the Plff has admitted that he is Deft 1's disciple, and has passed a registered deed to that effect: that such Maths (disciples) have no such --

3 [illegible]

right of going in a cross-palanquin as claimed in the plaint; that they have no right to take out the processions mentioned in the schedule attached to the plaint: that Deft 1 alone has the right to call himself Jagadguru and go in a cross-palanquin [illegible] and not the plaintiff.

[illegible] Govt. stopped plaintiff's processions, and was a necessary party: that Pltff has no Maths as alleged, but they are all Deft 1's: and that Deft 1 has removed the plaintiff [illegible].

Defts 2 [illegible] to [illegible] adopted the contentions in [illegible] 17: see Ex. [illegible].

The issues are:-

1. Is the right to parade in the cross-palanquin, as described in the plaint, a general right, exercisable by any subject of His Majesty?
2. Is it a special right enjoyable by only Deft 1?
3. Is the plaintiff entitled to the injunction prayed for?
4. [illegible] plaintiff [illegible]?
5. Has the plaintiff no right to march in a procession seated in a cross-palanquin as alleged in the plaint in public streets?
6. Has Deft 1 the exclusive right of riding in a cross-palanquin as stated in the Written Statement?
7. Is such a right (riding in a cross-palanquin) enforceable?
8. Are the facts stated in para 2 of the plaint proved?
9. Is not plaintiff entitled to the injunction prayed for?
10. Has this Court jurisdiction to try this suit?

No other sought.

My findings are:- 1. No. 2. It is a special right enjoyable by Deft 1 and other religious preceptors of the Hindus like him.
3. No. 4. None. 5. No. 6. Yes as against the plaintiff.
7. No. 8. No. 9. No. 10. No.

for a thousand years before the 8th Century A.D. Buddhism was supreme in India. It had transplanted the ancient — Vedic religion of the Hindus, as taught by the Upanishads, and by the Bhagavad-Gita, composed more than a thousand years before the advent of Budha. But Shri Shankaracharya, an inhabitant of Travancore, defeated it by his extraordinary learning, logic, and unusual controversial ability. It was he who finally established the Advaita teaching, which has been admitted by learned men everywhere to be one of the highest philosophies of the world. Shri Shankaracharya has never been surpassed for his forcible style, clear logic, and short pointed commentaries on all the Shrutis: so much so, that men, wonderstruck by his learning, ability and almost supernatural powers, have thought him to be an incarnation of Shanker himself. He was a great traveller. He went over all India, and made his Advaita doctrines supreme. He established four Maths on the four boundaries of this vast Peninsula: at Dwarka in the West, at Badri-Kedar in the Himalayas on the North, at Puri in Orissa in the East, and at Shringeri in the South. The Gurus in those four Maths were to take care of the spiritual welfare of the whole of India. As the line of Gurus at Badri became extinct, the Math there ceased to exist: but the remaining three flourish today. On account of these extraordinary achievements, his following which included kings, took out his palanquin in an extraordinary manner, viz- cross-wise. It was, and is, a mark of extraordinary honour and dignity. It is this honour and dignity that are now in dispute. There is another mark of the extraordinary dignity of the Shankaracharya, and that is of lighting him with torches in the noonday sun. The parties however have not thought fit to quarrel over it.

The Advait doctrine requires vast powers of grasp to understand it correctly, and a great amount of self-restraint and self-denial to put it in practice. Even to-day it has the effect of making weak men atheists and mischief mongers. In course of time it was found to do more harm than good to the populace. Several eminent men, Ramanujacharya, Vallabhacharya, and Madhvacharya have modified it in these parts. These Acharyas are great leaders of religious thought; and their followers also sometimes think of taking out their palanquins cross-wise. Going in a cross-palanquin became therefore a sign of a great religious preceptor. A palanquin is simply a conveyance or a vehicle; it can be ridden in by anybody: but long custom and usage have made a cross-palanquin a mark of the highest learning, and reverence, and none but the highest Gurus think of using it. Of course, why these great Acharyas are respected and honoured by all, is their high learning and pure living, and a cross palanquin is only a sign of their godly qualities. But weak minded and short-sighted men like the present parties, given up to physical pleasures and worldly objects, devoid of all self respect and great learning, have mistaken the sign for the cause and are quarrelling over it. The Pltff's witnesses have gone so far as to say that even the most degraded human beings, Holeyas, [illegible] or Dhangars, Mahars, and all untouchables, can, with the Pltff, who is a Jagadguru, go in a cross-palanquin. It is a pity that they have lost all self-respect, and have turned their Guru's cross palanquin into a tonga or a bullock-cart, which is used by everybody on hire.

A cross palanquin being thus a sign of great honour and dignity, unaccompanied by any pecuniary profits, and not attached to any particular office, I shall examine

the ... suit, for it shall lie in a Civil Court under Section 9 of the C.P.Code. I think that suits for an office are of a civil nature; but in my opinion a suit for vindication of mere dignity, though connected with an office, is not. The present suit is not for a claim to an office, but for a claim to mere honour and dignity on account of an office, and is, I think, not maintainable in a Civil Court. It has been held that the claim by a [illegible] or [illegible]-priest, that he is entitled to be carried on a high road in a cross palanquin could not be entertained by a Civil Court. That is a claim in such a suit to mere honour and dignity, though attached to the office of a [illegible]. It has been laid down that Civil Courts should discourage ... such ... claims of an unsubstantial or objectionable nature, ... they ought not to be involved in the determination of trivial questions of dignity and privilege although connected with an office. See [illegible]urree Shanker v. Sh[illegible] (1843) 3 M.I.A. 198; I.L.R. 4 Bombay 434; and 23 Bombay 278. The whole law on the subject is discussed in Mulla's Civil Procedure Code, 5th Edition 1913, p.18 and in Jurisdiction of Courts in matters of caste, pp.10 to 19. I need not quote the decisions cited therein at length. The suit must fail.

But it must fail also on other grounds and on the evidence in the case. Even the Pltff's own witnesses, Exs. 89,90,91 admit that a cross palanquin is a token of very high and religious respect amongst Hindus, and that all persons cannot use it according to the prevailing custom. But the Pltff says "What is there in law to prevent me in going in a cross palanquin in imitation of the spiritual head of the Hindus, or wearing a crown in imitation of their temporal head? A cross palanquin is a mere conveyance like a tonga, a horse or an ass, and a crown is merely

for [illegible] of [illegible] turban, [illegible] d and r [illegible] – – [illegible] fact [illegible] both in the [illegible]. [illegible] think the [illegible] summarily [illegible] [illegible] wrong: and I must [illegible] feeling of Hindus, [illegible] by long custom [illegible] force [illegible] un [illegible] reserve [illegible] palanquin fo[r] [illegible] [illegible] custom is binding on the plaintiff, and he must not transgress it, [illegible] feelings of others would be hurt. [illegible] be broken only when nobody's f[eelings] [illegible] would b[e] affected. [illegible] [illegible] rk [illegible] respectability: and [illegible] plaintiff [illegible] out or [illegible] [illegible] ought [illegible] hereby [illegible] [illegible] [illegible] careful [illegible] uses the [illegible] palanquin. [illegible] for the [illegible] of the [illegible] 140 to 143. I hold [illegible] fact that [illegible] palanquin [illegible] public [illegible] very [illegible] [illegible] guru [illegible] (lit. [illegible] tor [illegible]) [illegible] of the Hindus, [illegible] plaintiff [illegible] entitled to u[se] [illegible] re[illegible] subject [illegible] contravention of [illegible] force [illegible].

[illegible] in fact [illegible] plaintiff [illegible] of the fol[illegible] [illegible] crooked r[illegible], [illegible] of the [illegible] [illegible] [illegible] for [illegible] [illegible] palanquin [illegible] [illegible] [illegible] [illegible] "Mukhtar" [illegible] [illegible].

Ex.50 and the Pleader's Purcis, Ex.126. I have been pressing the plaintiff's pleader from the beginning to induce Pltff to come to Court, and explain to me himself his peculiar notions of dignity. I wished to ask him whether a Virakta was not allowed to sue in Courts. The very idea of a holy Jangam suing is repugnant to a Hindu mind. But he did not come till the end. I could have given him my reasons above for holding that he must be something more than a priest to go in a cross palanquin. I hold as a fact that any Jangam or Virakta cannot, according to Lingayat usage, go in a cross palanquin, but only a high priest.

But plaintiff says that he is a Pattadguru or high priest of the Lingayets, and so entitled to the honour in dispute. I find that he is not a Pattadguru, but a mere disciple of the Deft 1 who is a high priest of the Lingayets. The Pattadguru is the Deft 1, the representation of the Pattadgurus, the Totadswamis, of Dambal. There are also other Pattadgurus or high priests of the Lingayets: e.g. the Gangadharswami of the Murusavirmath of Hubli, and the Murugha-swami of Chitrakaldurg: See Exs. 29, 31, 140, 146 (Rao Saheb [illegible] Manvi), 147, 143. The Totadswamis and their representatives or disciples at Mundargi, and they were called Andanswamis. The Pltff is an Andanswami of Mundargi and a disciple and subordinate of the Totadswamis of Dambal and Gadag. The Pltff's Mukhtyar Ex.32 has been unable to mention any independent Swamis before the Pltff's gurus. In fact no such independent Andanswamis of Mundargi existed: they were simply the nominees of deft 1 and the other Totadswamis who went before him: an Andanswami was not appointed by his predecessor, but by the Totadswami of Dambal and Gadag.

The point has in fact been set at rest by a decision of the High Court in Appeal No.477 of 1875 between

the parties' predecessors. Ex.201 is the copy of the judgment. It has been held that the tenure upon which the Annadanaswami held lands was such that the Totadswami was entitled to resume possession of them at pleasure. The clear acknowledgment by Annadanaswami in writing of the Totadswami's spiritual supremacy is mentioned therein. It is shown that the Deft 1's predecessor had nominated the Pltf's predecessor to the office of Annadanaswami in 1829, and that the Annadanaswamis held lands as Vahivatdars of the Totadswamis, as their agents and representatives. In fact their Lordships have held that the Annadanswamis like the Pltf have no independent rights of a Jagatguru. The only conclusion that follows is that the Pltf is not entitled to the right of riding a cross palanquin in the public streets, because that right belongs to an independent Swami, which the Pltf is not. The Collector and the Govt. [illegible] have held that the Annadanswamis have set up that right only recently, and that they were subordinates of Deft 1: See Exs. 207 and 220. The Pltf has filed numerous documents to show that he is an ancient Jagadguru independent of Totadswamis but they contain nothing to prove any such fact, or to show that the conclusion arrived at by the High Court mentioned above is not correct. I will briefly mention them. Ex.174 is a Sanad granted by Govt. in 1862 for the land to the Math Jangam Annadanswami Mundargi of Dambal: Ex.175 is a similar Sanad for the lands to Annadanswami Mundargi: and Exs. 176 to 178 are copies of the Register of Sanads for lands issued to the same Swami. Ex.155 is a similar Inamati Chitta. Exs.179 to 182 are copies of the Record of Rights for lands in the possession of Pltf, and Ex.173 is a rent note taken by his predecessor for a land and Math in Mudgapur. The villagers of Mundargi (Ex.168) and Pltf's predecessor (Ex.219) said

in 1860 that the letter [illegible] and [illegible] of the Rutual- swamis. but the High Court decided in the [illegible] of 1875 that they were not. [illegible] ff's Guru [illegible] to Pff in 1868, Ex.124: but that [illegible] unauthorised Government have [illegible] [illegible] Jagatguru: see Exs.160, 170, 171, and 172. but [illegible] such [illegible] family, [illegible] followers [illegible] left-lead to Pff in 1923, Ex. 178, as Jagatguru, [illegible] other followers [illegible] letters, Exs. 154, 153, 161, 163, 164 172: but they prove nothing against the deft. [illegible] on the contrary the documents filed by the [illegible] show that he [illegible] the Jagatguru, and [illegible] superior of the numerous [illegible] [illegible] Pff and his predecessors. Exs. 150, 151, 197 [illegible] left-deeds [illegible] to Pff's predecessor [illegible] Gurus, [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] people, and [illegible] 188 to 193 [illegible] [illegible] by [illegible] Guru to left [illegible] [illegible] [illegible]. Out of these Exs. 139, 191 to 194 were filed in the old suit. After the litigation in the High Court ended the two Swamis had reconciled: see the report of the reconciliation in the [illegible] [illegible], Ex. 140. The Pff's Mukhtyar has indeed [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] before [illegible], [illegible] and in the [illegible] Court, Ex. 34, that Pff began to call himself Jagatguru since October 1912. I hold that Pff has not proved that he is a Jagatguru and a high priest of the Jangamas, independent of the Deft 1. He is not therefore entitled to [illegible] of going in a [illegible] [illegible] with the insignia of [illegible] [illegible] and the [illegible] [illegible] against [illegible] Guru the deft.

The Pff also claims the right on account of alleged long and ancient enjoyment of it. But I find that he is not the representative of any long line of Gurus, [illegible] enjoyed any such right since ancient times. His Mukhtyar ([illegible] 32) admits that Pff's Math was established recently by his predecessor some 50 or 60 years ago [illegible] he [illegible]

[illegible] d by Deft, from the structure he occupied on the
plaintiff but was in [illegible] of the High Court decree in
[illegible] No. 77 of 97 mentioned above. Deft 1 obtained per-
mission to build [illegible] in 1889 and 1893: see Ex 127
Pltff's [illegible] has been unable to give the names
of any [illegible] of the pltff and has given no evidence
to prove the ancient user of [illegible] cross [illegible] by [illegible]
the pltff's ancient Gurus. It would have been better if the
pltff himself had stood in the witness box and given his
reasons in support of the alleged ancient enjoyment: but -
[illegible] not, in spite of my repeated suggestions to that -
effect. It appears to me to be [illegible] start for the
claim to the [illegible] of [illegible] Guru: see Ex. 69, 134, 136 to
142, 143, 146 to 148, [illegible] say that pltff [illegible] given
[illegible] (initiation into the order of [illegible]) by his Guru
[illegible] [illegible] dozen years ago. He contended that - -
there were two [illegible] of [illegible] and [illegible]
belonging to pltff and defendant 1 respectively, inde-
pendent of each other. He [illegible] Exs. 88, 98, 101,
102, 106 to 112, 112 to 116 to prove the independent [illegible] than
of [illegible], but I do not believe these witnesses: they do not
[illegible] Ex. 98 [illegible] other [illegible] may be examined
[illegible] to 91, 96 to 102, 104 to 116, 118, to 121 to [illegible]
[illegible] the streets of [illegible] and
[illegible] [illegible] with [illegible] and
[illegible] (Exs. 87, 10[illegible], 115) [illegible]
[illegible] Gurus. I do not believe those witnesses. He
produced Exs. 166, 167, copies of the [illegible] Star, and [illegible]
[illegible] Exs. 158, 160, 163, [illegible] to [illegible] to [illegible]
in a cross [illegible]: but - [illegible] that the latter [illegible] not
even mentioned in one of these || Exs. 166, 167 and the Col-
lector's order, Ex. 127, [illegible] left 1' [illegible]
[illegible] in [illegible]. The Collector [illegible]
[illegible] cross [illegible] processions in [illegible]
[illegible] Panth-

[illegible] under the Peshwa rule was also strictly [illegible] all independent pretensions of the [illegible]: See Ex.131. On the whole I find as a fact that whatever deft 1 has done and whatever his predecessor did in connection with a cross palanquin, was as a representative and a subordinate of deft 3 and not as an independent Jagatguru.

Under these circumstances the rulings quoted on behalf of the Pltff, that the streets in Pltff's village Hundargi, being public, can be used for this lawful purpose of going in a cross palanquin, do not apply. They are I.L.R. [illegible] Mad. [illegible], [illegible] 44 Bom. 371, and the previous decisions cited therein. [illegible] are public no doubt: but they are not to be used for [illegible] on the rights of the [illegible] of the Hindus, who alone are entitled to go in them in a cross palanquin with its paraphernalia, and not their subordinates and disciples like the Pltff, nor members of the public at large.

On all the points therefore, set forth by the Pltff, the suit must fail.

Order.

I dismiss the suit with costs. Pltff to pay Deft's costs.

23-1-1916. Sd/ [illegible].

Appeal No. 63 of 1916.

Suit No.277 of 1914.

Plaintiff:- Shri Ard[illegible]nari

A G A I N S T.

Defendants:- Totad [illegible]

14-7-14 1 Plaintiff presented by Mr.[illegible].

2. Plaintiff's Vakalatnama.

3. [illegible] Mukhtyar-patra.

20-7-14 Summons to defts 1,2,3,4,5,6,7,8..............16-9-14

4 Summons to Defts 2 to 8.

5. Do to deft 1.

6. Do to deft 8.

16-9-14 Coram. Mr.Idaqunji S.J. Pltf present by pleader. Exs.4,5,6 returned served. Ex.7 is not returned. Defts 1 to 7 present by pleader. Defts absent.

7. Nadi to

8. Vakalatnama put in by Mr.Vinekar for defts 1 to 7.

9. Defts 1 to 7 apply for time to put W.S.

Adjd. to file W.S. ....................11-11-14

28-9-14 10 Pltf's pleader applies for amendment of the plaint. Notice issued to the other side.

9-10-14 11 Notice to the deft 1 to show cause as per Ex.10 issued.

12 Notice to show cause to the defts from 2 to 7 as per Ex.10 issued.

13 Notice to show cause to the deft 8 as per Ex.10 issued

14. Order for a commission of summons for service to the Court of [illegible].

11-11-14 Coram. Mr.H.V.Kane.

Pltf and deft 8 present. The rest of the parties absent. Exs.11,12,13 returned served.

The date on which the copy was applied for: 26
Twenty sixth February 27 — E. R. [illegible]
Clerk of the Court 14

The date on which it was ready for delivery: 7
seventh March 1927 — E. R. [illegible]
Clerk of the Court

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(Eighteenth) March 1927 — E. R. [illegible]

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[illegible]

[illegible]

sd/ S.N. Venekar.
Pleader

[illegible]

sd/
Sub-Judge

29-7-11

sd/ S.N. Venekar.
Pleader

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sd/ [illegible]

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[illegible]

Sd/ V. V. P.

Sub-Judge

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[illegible]

Sd/ A. N. Jalihal.

Pd.

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Clerk of the court.

Date on which the copy was applied for

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Clerk of the Court

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Clerk of the Court

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Clerk of the Court

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Sd/ L. S. Burli  Sd/ V. V. Phadke
Karkun  Subordinate Judge
First Class Dharwar

Presented on 27th June 07

Sd/ S. L. Vinekar
Pleader.

[illegible] 322/72

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Sd/ [illegible]

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Sd/ V. V. P.
Sub Judge

Retd D No 118/27

7-2-27 Sd/ [illegible]
R. K.

[illegible]

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Sd/ A. R. Jalihal
Pleader.

Copied by
Y. Hosapanhalli

Compared by
A. R. Wadde

True copy.

[signature]
Clerk of the Court.

Date on which the copy was applied for 26
Twenty sixth February 1927
[illegible signature]
Clerk of the Court

Date on which it was ready for delivery 7
Seventh March 1927
[illegible signature]
Clerk of the Court

Date on which it was delivered (8th)
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[illegible]

sd/ A. N. Vinekar

[illegible]

sd/
Sub Judge.

29 - 3 - 11

sd/ A. N. Vinekar
pl

[illegible]

[illegible]

sd/ [illegible]

[illegible]

[illegible]

sd/ V. V. P.
Sub. Judge.

[illegible]

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Sd/ H N Jalenad.

P.I.

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Sd/

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~~Sd~~

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[illegible] Clerk of the Court

(Translation of a plaint in Kanarese).

S. A. No. 872 of 1917. Ex. No. 1.

1. Sriman Jagadguru Andanswamy Guru Andan Swamy Sansthan Math Mundargi. . . Plff.

Vs.

1. Totad Swamy Guru Totad Swamy (of) Math Dambal & seven others. . . . . Defts.

Plff states as follows :--

(1). The plff is one of the Arch Priests (Jagadgurus) of the Lingayat religion. Subject to his jurisdiction, there are many branch-maths, in the presidencies of Bombay and Madras, in the Patwardhan State and in the Nizam's dominions.

Virtue of their office as Jagadgurus, the plff and his predecessors have from very ancient times, the right of being carried in procession by their devotees, in cross-palanquin accompanied with "Panch Kalasha" and all the "Birudavali" through the public streets, in the place of their residence as well as when they are on tour. These processions regularly take place in Mundargi the place of their residence, twice every year. viz on two days on the 10th and 11th days of the bright half of the lunar month Vaishakh and on two days, being the last Monday and Tuesday in the month of Shrawan, (on the Vijayadashmi day in the month of Ashwin, and at the beginning of the month of Marga-shirsha). At other times they take place when the devotees take the plff to their houses for 'Pada Puja' worshipping his feet. When the plff goes on tour, they take place, at the time of his entering villages and when he is taken by his devotees to their houses for worshipping his feet. The routes of the processions in the months of Vaishakh, Shra-

Shrawan, Ashwin and Margashirsha are described in a sche-
-dule.

(3). In accordance with this ancient custom the Adapal-
-ki (cross-palanquin) procession of the plff together with 'Panch Kalasha' and all the 'Birudavalis' (for the Adapalа-
-ki procession cannot take place without 'Panch Kalasha' and all the 'Birudavali) was to come off on the last Monday of the Lunar month Shrawan of the Shake year 1834. The de-
-fendant No. 1 being antagonist ~~xxxxxxxxx~~ of the plff,--could not bear to see the rise of ~~thexxxxx~~ the plff. conse---quently with the object of defeating this ancient right of the plff, instigated the deft No. 2 one of his followers, to make an application to the 2nd Class Magistrate at Mundargi on the 6th of September 1912, falsely alleging that there would be a breach of the peace, if the plff's Ada-palaki -procession were to take place. And similarly he caused all the [illegible] n application to the Sub-Divisional Ma-
-gistrate,. Thereupon there being an enquiry, the Sub-Divi-
-sional Magistrate stopped the procession of the plff, on the 9th September 1912. This procession was to take place on the 9th and 10th of September 1912 A

(4). The Appeals from the Order / the Sub-Divisional Magistrate, made to the District Magistrate and the Govern-
-ment of Bombay proved futile and the plff's Ada-Palki) Procession stopped.

(5). The defts thus stopped the procession obtaining prohibitary orders, by making false applications to the --authorities in derogation of the inherent right of the plff of being carried in an ada-palaki procession through public streets by his devotees. Hence the cause of action arose -on the 13th December 1913. Because that is the date on ---which the final order of the Government was passed . As the cause of action arose within the jurisdiction of this court

the

In the court of the District Judge at Bangalore.

Dated 9-10-1933.

Present:- A. [illegible], Esq., B.A., B.L., District Judge.

Original Suit No. 49 of 1931-32.

Plaintiff. (Plaintiff) [illegible] of [illegible] Agent [illegible], [illegible] Tiptur Taluk.

Opponent. (Defendant) [illegible] by Agent under [illegible] power of attorney.

Application under Section 71 of the Probate and Admini[stration] Act [illegible] by the plaintiff [illegible] Executor [illegible] probate of the will dated [illegible]-1933 of Sri [illegible] Swami [illegible] Sri [illegible], [illegible].

This was originally filed [illegible] Mis. 104/31-32 [illegible] original suit [illegible]-1932 [illegible].

The suit came [illegible] settlement of issues on [illegible] and the following issues were framed.

(1) Whether the [illegible] in question is a will in respect of which probate [illegible]. (2) Whether it is [illegible]. (3) Whether [illegible] disposing mind at the time the will was executed.

The suit [illegible] several [illegible] finally [illegible] 22-9-1933.

The lists of witnesses examined [illegible] marked in the case [illegible] filed.

J U D G M E N T.

In Miscellaneous No. 104 of 1931-32, the plaintiff who was the petitioner [illegible] of probate of a will said to have been executed by one Sri [illegible] Swami of the S[illegible] [illegible] Tiptur Taluk. The defendant [illegible] contested [illegible]

of probate, the application was registered as a regular suit.

The plaintiff's case is as follows:- The testator Sree Kariveerabhadra Desikendra Swami alias Sri [illegible] Swami of Sree [illegible] Swami [illegible] situated at [illegible], Tiptur Taluk, died on 11-7-1951, [illegible] prior to his death, on 8-7-1951 while of sound and disposing mind, he executed a will and got the same registered on [illegible]-7-1951. The plaintiff was the executor under the will and seeks for the grant of probate of the will.

The defendant put the plaintiff to strict proof of the execution of alleged will and contend that the deceased testator never intended to execute any will and was not of sound and disposing mind for nearly 6 months prior to his death. The defendants also plead that the so called will is the outcome of fraud on the part of the plaintiff who is the Agent of the estate, who took undue advantage of the weak state of mind [illegible] the deceased was just before his death and used undue influence [illegible] up the document for the benefit of himself and the [illegible] who were his [illegible]. The document even if genuine was not executed by the deceased out of free consent but was vitiated on account of undue influence of the plaintiff.

The deceased had no independent advice in the preparation of the so called will and it was therefore not valid. It is also contended that the Sri [illegible] Mutt at [illegible] is a branch of [illegible] Mutt at [illegible] and that therefore the deceased testator had no power to dispose of the properties by will or to appoint a successor thereunder without the express authority of the parent Mutt at [illegible]. The alleged will is not valid and operative. It was not a will at all but really a power of attorney authorising the plaintiff to be appointed an agent after the death of the deceased.

The first issue is whether the document in question is a will in respect of which probate can be granted. Exhibit A

[illegible] it is in [illegible] is [illegible] special [illegible] (Act [illegible] VI of 1914). [illegible] [illegible] ... "[illegible] declaration [illegible] into effect [illegible]." [illegible] well [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] adjuncts. [illegible] question is [illegible] [illegible].

[illegible] [illegible] [illegible] [illegible] [illegible] tion [illegible] will. [illegible] into [illegible] proceedings. [illegible] [illegible] [illegible] [illegible] VI of 1914 [illegible] [illegible] [illegible]. [illegible] only questions [illegible] [illegible] [illegible] [illegible] [illegible] the will. [illegible] of the [illegible] will [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] conscience of the court [illegible] is the last will of [illegible]. [illegible] 30 . 228), [illegible] will at the time of [illegible] largest [illegible] of benefit under the will. [illegible] 1932 Cal. 574). In I.L.R. XXXVIII [illegible], Privy Council, 335 it was held that in order to set aside a will, [illegible] must be

clear evidence that undue influence was exercised, or that the illness of the testator so affected his mental faculties as to make him unequal to the task of disposing his property. In XXXVI All. [illegible] 703 it was observed that when a will is [illegible] a will, reasonable, natural, and proper in its terms, and in accordance with sound rules of construction [illegible] only [illegible] to those cases which [illegible] rigorous scrutiny of documents [illegible] opposite [illegible], namely [illegible] they are unnatural, [illegible] [illegible] obtained [illegible] proper [illegible] the will [illegible] every respect [illegible], [illegible] in accordance with the testator's feelings and tenor of life, the presumptions of law were in favour of its being [illegible]. The plaintiff has examined several witnesses in support of his case. The most important witness on his behalf is P.W.2 the Sub-Registrar who registered the will. He says that the testator signed Exhibit A in his presence and the testator was perfectly sound in his mind at the time he executed the will. He says [illegible] in room [illegible] upstairs [illegible] at that time. There is no reason to disbelieve the evidence of P.W.2 who is a public officer and a disinterested witness. It is the defendants' case that for nearly a month or so prior to his death the deceased was of unsound mind and the evidence of some of his witnesses is to the effect that he had lost consciousness about 8 or 10 days prior to his death. The evidence of P.W.2 disprove the case set up by the defendants. Another important witness examined by the plaintiff is P.W.4, the Sub Assistant Surgeon who was treating the deceased. He says that on 10-7-1931 the deceased died the next day he saw the deceased who was suffering from the [illegible] complaint viz., Asthma and heart disease in addition influenza. P.W.4 also says that the deceased told him that the cough was troubling him most, that he felt restless and wanted some treatment in the form of powder by mouth and he did not like injections

If the evidence of P.W.4 is to be believed (and I see no reason to disbelieve it), the requests made by the deceased in respect of his treatment shows that he must have been of sound mind otherwise it would not have been possible for him to differentiate and [illegible] between prefer treatment by mouth instead of injections. P.W.4 says that the testator's mental condition was alright when he saw him and that he could understand [illegible]. P.W.4 also says that at the time he saw him on 10-7-1951 the testator was on the upstairs, sitting leaning on a table and that he was lying on bed. The evidence of P.Ws. 2 and 4 who are public officers is entitled to carry weight and I am coming to the conclusion that the testator was of sound mind at the time he executed the will.

As regards the soundness of mind, in addition to the evidence of the Sub Registrar P.W.2 there is also the evidence of the Patel P.W.1 who has attested it and who identified the executant before the Sub Registrar. P.W.1 also says that the testator was in sound health and mind at the time he executed the will though he was ailing from Asthma. No doubt P.W.1 is a [illegible] of the [illegible] but he is not the only person and there are a large number of other people who also have borrowed money from the [illegible]. P.W.3 is another attestor of the will. He also says that the testator was of sound mind at the time he executed the will. He says that the testator gave out the particulars of the will and that the plaintiff wrote them in the will, and that the testator [illegible] some properties under the will to a trivial extent viz., Rs. 100/-. P.Ws. 5 and 6 say that the deceased sent for them and told them about his intention to execute a will and adopt the successor. The plaintiff himself is benefitted under the will only to the extent of Rs. 3,000/-. This cannot be said to be a very large amount having regard to the value of the property [illegible].

the fact that the plaintiff has been working as the agent of the Mutt for nearly 20 years.

On the other side the defendant has examined some witnesses who themselves are attestors of the will Exhibit A. D.W.1 says that he attested the will on the ground floor of the Mutt while Swami was on the upstairs and he adds that the deceased had lost consciousness for about 8 or 10 days prior to his death, that he did not see him sign the will or sign it in his presence, that he merely attested it as the plaintiff told him that unless he did so, persons from Madras would come and take possession of the Mutt. D.Ws 2 and 3 are other attestors of the will and they also state the same thing. It is however surprising and rather unlikely that these witnesses would have attested a solemn document like a will not being aware of its having been executed by the testator. The statements of these witnesses are inconsistent with their conduct in attesting the will (Cf. Case reported in 2 Mys. Law Journal Reports Bangalore and Coorg Section, Privy Council, Page 1) and I am unable to believe them. In connection with the will a meeting was held. (Vide Exhibit B) D.W.1 appears to have signed it though he denies his signature but admits it looks like his. D.W.3 has also signed Exhibit B (Vide Exhibit B. 4) and D.W.4 also signed it (Exhibit B.5 ) D.W.5 who is the Agent of the defendant has himself signed Exhibit B. He says that he signed the resolution because others did so which is not a very probable statement. I am of opinion that the evidence adduced on behalf of the plaintiff is distinctly superior to the evidence adduced on behalf of the defendant. The plaintiff has proved not only that the will is genuine but the testator at the time the will was executed was of sound disposing mind. My findings on issues Nos. 2 and 3 are that the will is genuine and that the testator was a sound

mind and disposing mind at the time he executed the will. In the result I direct the grant of probate with the will annexed as prayed for. The defendant will pay the plaintiff's costs in the suit.

Sd. A.S.R. Chari.

Pronounced in open Court.

Sd. A.S.R. Chari.

9/10/22. Dt. Judge.

In the Court of the District Judge, [illegible]

[illegible] No. 40 of 1931-32.

[illegible]  [illegible]

[illegible]  [illegible]

Memo of Costs.

| | For Plaintiff. | For Opponent. Defendant. |
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| [illegible] | 0-12-0 | 2- 4-0 |
| [illegible] file [illegible] | 0- 8-0 | 0- 8-0 |
| [illegible] | 3- 2-0 | 5-10-0 |
| [illegible] | 35- 0-0 | 22-10-0 |
| [illegible] Fee. | 850- 0-0 | 850- 0-0 |
| | 890- 6-0 | 881- 0-0 |

Costs [illegible] to the plaintiff is Rs. 890- 6-0 [illegible]. ([illegible]).

A.S.[illegible]

Di[illegible]

In the court of the District Judge at [illegible]alore.

O.S.No. 49 of 1931-32.

Plaintiff:- Vs. Defendant:-

S.L.M[illegible]ajun[illegible]ppa. M.Gan[illegible]ad[illegible]iah.

The following witnesses were examined for the plaintiff:-

For the petitioner plaintiff. (1) Doddalinga [illegible]. (2) [illegible] Setty. (3) Ad[illegible]vi[illegible]ppa. (4) A.N.Srinivasa Rao. (5) [illegible]appa Setty. (6) Adavi-[illegible]. (7) S.L.M[illegible]ju[illegible]appa.

For the opponent Defendant. (1) [illegible]. (2) [illegible]chappa. (3) [illegible]ppa Setty. (4) [illegible]ppa Setty. (5) [illegible] Setty. (6) [illegible] Setty. (7) Basavalinga Setty. (8) Tee[illegible]appa. (9) Gangadhariah.

In the Court of the District [illegible] at [illegible].

O.S.No. 40 of 1951-52.

Plaintiff:- S.L.[illegible]

Vs.

Defendant:- [illegible]

List of documents marked in evidence for the plaintiff:-

Exhibit A. Bill. 15-[illegible]-52.

do B. [illegible] 6-1-53.

do E(1) to (7) [illegible] 28-2-53

do C [illegible] D. [illegible] do.

do D. Receipt [illegible] do.

do E. [illegible] do.

do.F. Receipt [illegible] do.

do [illegible] 1-4-53.

List of documents marked in evidence for the defendant:-

Exhibit I. Letter dated 11-9-51. 6-1-53.

do II Letter dated 23-11-51. do.

do. II(a) (b) Signatures [illegible] Exhibit II. 1-4-53.

Sd. [illegible]

Dt. [illegible]

[illegible]

[illegible]

[illegible] [illegible]

[illegible]

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Sixth

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Clerk of ...

The date on which it was ready for ...

(7) seventh March 1927

G. C. ...

Clerk of the ...

The date on which it was ... 8...

(Eighth) ... March 1927

G. C. ...

Clerk of the ...

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Judgment in Special Appeal No.277 of 1875.

Andana Swami Guru Andana Swami.
(Original Defendant) Appellant.
Versus
Totada Swami Guru Totada Swami.
(Original Plaintiff) Respondent.

Special Appeal from the decision of the Judge of Dharwar in Appeal No.306 of 1867.

This being a special Appeal, this Court cannot reverse the findings of the District Judge on the issues of facts directed by the late Chief Justice and Mr. Justice Gibbs, when this cause was remanded on the 6th July 1869 by the High Court for retrial, unless there be an error in law or in the investigation of the case, which has produced error or defect in the decision of it upon the merits, as for instance a total absence of evidence in support of the findings of fact.

It has been argued for the first Defendant (Appellant) that there is not any evidence to support the finding that the tenure upon which the Andana Math is held by the first Defendant was such that the Plaintiff was entitled to resume possession of it at his pleasure; and it has been further argued that the District Judge has overlooked the fact that in the Sanads (Exhibits No.114 and 115) the Defendant is named as Inamdar, and, therefore, that there has been an error in the investigation of the case.

We find it quite impossible to say that there is no evidence to support the finding on the first issue on fact - as regards the tenure by which the Defendant held the Math and as to the right of the Plaintiff to resume it.

Exhibit 46 (dated in the Shakh year 1638 and Christian year 1716) though it relates to lands in another village, shows that the Totada Swami was then described as master of the Andana Math, apparently long before there were any Andana Swamis. Thirteen witnesses (Nos. 153, 154, 162, 167, 177, 181, 182, 186, 192, 195, 196, 202, and 204) depose to the ownership of the

Plaintiff, and to his spiritual and temporal supremecy. Exhibit No. 50 signed by numerous Swamis, including (as third on the list) the Andana Swami is a clear acknowlcdgment of at least his spiritual supremecy. The resumption of the Andana Math by the Plaintiff on the occurrence of the lunacy of the 1st Defendant's immediate predecessor, and the administration thereof for four years by the Totada Swami were acts strongly indicative of supreme temporal and spiritual authority. The lunacy and resumption occurred in A.D.1844, at which time the Defendant was a disciple of the Plaintiff resident in the Math. The Defendant was nominated to the office of Andana Swami in 1849, by the Plaintiff, although the Defendant has asserted, but has failed to prove that he was elected to that office by other persons. Again in Exhibits Nos.71,72 (dated in 1861),73,and74(dated in 1862) which are Sanads, granted by the British Government, of lands, which it is admitted are appendant to the Andana Math, the lands are described as held by the Andana Swami as Vyvatdar(corruptly Whywatdar) of the Totada Swami. The learned Counsel for the first Defendant contends that the opposite is the case, but gramatically the word Vyvatdar should follow and not precede the name of the person described as manager. So we have no doubt that the District Judge has rightly understood those documents. It is true that the lands mentioned in them are not the lands in dispute, but being as they are, lands appurtenant to the Andana Math, although not in the same village, with it, the inference is strong that the Andana Swami was merely the representative and agent of the Totada Swami in holding those lands. It is true that the District Judge has not mentioned the circumstance that the lands in dispute are stated in two Sanads (Exh114 and 115)66 of 1862 as held by the Andana Swamy. But we cannot thence infer that he overlooked that fact. Were we to lay it down as a general rule tht whenever a District Judge omits to mention a particular item of evidence of more or less importance, he must be regarded as having left it out of his consideration, scarcely any decree brought up here on special appeal could be sustained under OOOOD such an ordeal. Moreover the fact that lands stand in a particular name in the Government books or in Government Sanads though always of some importance, is far from being conclusive as to the ownership of the lands, as experience of many years has taught us here. And the weight of Exhibits 114&115

is, and was probably regarded by the District Judge as, much diminished by the circumstance, adverted to by him in the last paragraph but two of his judgment that in the "Official papers" viz. the Sanads already mentioned as Exhibits 71,72,73, and 74 lands admitted to be appurtenant to the Andana Math, but situate in another village, are described as managed by the Andana Swami for the Totada Swami. For these reasons we cannot say that there was not any evidence to support the finding of the District Judge that the tenure of the Math by the first Defendant Andana Swami was such that the Plaintiff was entitled to resume the Math, and 2 ndly that though the first Defendan appointment as Andana Swami was complete, he is not entitled by virtue of his office to resume possession of the Math - the latter part of which finding on the 2nd issue seems to follow on the finding upon the first issue. We also are unable to say that although the District Judge has not specially mentioned Exhibits 114 and 115 he must be regarded as not having taken them into his consideration and therefore committed an error in the investigation of the case. Holding these views, it is unnecessary for us to notice the facts of this case at any greater length. The decrees of the Courts below must be affirmed with costs.

26th September 1876.

Sd/- M. R. Westropp

Sd/- Nnanbhai Haridas.

True Copy

Deputy Registrar.

Sealer.

The day of June 1913

K150
Copy applied for on 19/5/1913
Copy ready on 4/6/1913
Copy delivered on / sent by V. P. P. on 5/6/1913

Assistant Sheristedar

Judgment in Special Appeal No.277 of 1875.

Andana Swami Guru Andana Swami

(Original Defendant) Appellant.

Versus

Totada Swami Guru Totada Swami

(Original Plaintiff) Respondent.

Special Appeal from the decision of the Judge of Dharwar in Appeal No.360 of 1867.

This being a special appeal, this Court cannot reverse the findings of the District Judge on the issues of fact directed by the late Chief Justice and Mr. Justice Gibbs, when this cause was remanded on the 6th July 1869 by the High Court for retrial, unless there be an error in law or in the investigation of the case, which has produced error or defect in the decision of it upon the merits, as for instance a total absence of evidence in support of the findings of fact.

It has been argued for the first Defendant (Appellant) that there is not any evidence to support the finding that the tenure upon which the Andana Math is held by the first Defendant was such that the Plaintiff was entitled to resume possession of it at his pleasure; and it has been further argued that the District Judge has overlooked the fact that in the Sanads (Exhibits No.114 and No.115) the Defendant is named as Inamdar, and, therefore, that there has been an error in the investigation of the case.

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Math, apparently long before there were any Andana Swamis. Thirteen witnesses (Nos. 153, 154, 162, 167, 177, 181, 182, 186, 192, 195, 196, 202 & 204) depose to the ownership of the Plaintiff and to his spiritual and temporal supremacy. Exhibit No. 50 signed by numerous Swamis including (as third on the list) the Andana Swami is, a clear acknowledgment of at least his spiritual supremacy. The resumption of the Andana Math by the Plaintiff on the occurrence of the lunacy of the first Defendant's immediate predecessor, and the administration thereof for four years by the Totada Swami were acts strongly indicative of supreme temporal & spiritual authority. The lunacy and resumption occured in A.D. 1844, at which time the Defendant was a disciple of the Plaintiff resident in the Math. The Defendant was nominated to the office of Andana Swami in 1859, by the Plaintiff, although, the Defendant has asserted, but has failed to prove that he was elected to that office by other persons. Again in Exhibits Nos. 71, 72 (dated in 1861), 73 and 74 (dated in 1862) which are Sanads granted by the British Government, of lands, which it is admitted are appendant to the Andana Math, the lands are described as held by the Andana Swami as Vyvatdar (corruptly Whywatdar) of the Totada Swami. The learned Counsel for the first Defendant contends that the opposite is the case, but grammatically the word Vyvatdar should follow and not precede the name of the person described as manager. So we have no doubt that the District Judge has rightly understood those documents. It is true that the lands mentioned in them are not the lands in dispute, but being as they are, lands appurtenant to the Andana Math although not in the same village with it, the inference is strong that the Andana Swami was merely the representative and agent of the Totada Swami in holding those lands. It is true that the District Judge has not mentioned the circumstance that the lands in dispute are stated in two Sanads (Exh. 114 and 115) of 1862 as held by the Andana Swami. But we cannot thence infer that he overlooked that fact. Were we to lay it down as a general rule that whenever a District Judge omits to mention a particular item of evidence of more or less importance he must be regarded as having left it out of his consideration, scarcely any decree brought up here on special appeal could be sustained under such an ordeal. Moreover the fact that lands stand in a particular name in the Government books or in Government Sanads, though always of some importance, is far

from being conclusive as to the ownership of the lands, as experience of many years has taught us here. And the weight of Exhibits 114 and 115 is, and was probably regarded by the District Judge as, much diminished by the circumstance, adverted to by him, in the last paragraph but two of his Judgment that in the "Official papers" viz. the Sanads already mentioned as Exhibits 71, 72, 73 and 74 lands admitted to be appurtenant to the Andana Math, but situate in another village, are described as managed by the Andana Swami for the Totada Swami. For these reasons we cannot say that there was not any evidence to support the finding of the District Judge that the tenure of the Math by the 1st Defendant Andana Swami was such that the Plaintiff was entitled to resume the math, and secondly that though the first Defendant's appointment as Andana Swami was complete, he is not entitled by virtue of his office to resume possession of the Math the latter part of which finding on the second issue seems to follow on the finding upon the first issue. We also are unable to say that although the District Judge has not specially mentioned Exhibits 114 and 115 he must be regarded as not having taken them into his consideration and therefore committed an error in the investigation of the case. Holding these views, it is unnecessary for us to notice the facts of this case at any greater length. The decrees of the Courts below must be affirmed with costs.

Sd/- L. R. Westropp.

26th September 1876. Sd/- Nanabhai Haridas.

True Copy.

(signature)

Deputy Registrar.

(signature)

Sealer.

The 6th day of June 1913.

To,

His Excellency the Right Honourable

# Sir James Monteath, K. C. S. I.

GOVERNOR OF BOMBAY

Your Excellency,

We the members of the Lingayet Educational Association Dharwar on behalf of our selves and our Community in general most humbly and respectfully beg to approach Your Excellency with the humble expression of our congratulations upon your elevation to the present exalted position. We are extremely glad to learn that Your Excellency will be at the helm of the Bombay Government for some months to come and we have every reason to believe that Your Excellency's administration will be marked by progress and prosperity as the famine is passing away on account of the timely and abundant rains we have had this year.

It is a matter of great pride and satisfaction that Your Excellency has been in complete touch with and sympathy toward the people from the very beginning of your official career. Your broad sympathies for the people, your large knowledge and your long standing relations with the Districts of Dharwar, Bijapur and Kanara wherein you served as Assistant Collector and Collector encourage us to hope that Your Excellency's rule will give an impetus to the well being of the people of the [illegible].

We mention with great pleasure that the Lingayet Education Fund which has been [illegible] in order to aid and encourage the education of our [illegible] is working satisfactorily under the able management of Mr. W. C. [illegible] our recent popular Collector and President of the Fund Committee to whom our best thanks are [illegible]. We are further happy to state that Shrimant Lingappa Bijapur [illegible]-Desai of [illegible] in [illegible] District, has promised to place at the disposal of our Association some personal [illegible] lands yielding an average annual income of Rs 1000. By means of the Fund there have been up to this time 16 Graduates in all. Only a few of these have been fortunate enough to secure suitable posts in Government service and our Community feel that sufficient encouragement has not been extended to them commensurate with the extent of their self help. The [illegible] of the last three or four years [illegible] from the Collector of the Southern Districts and the Commissioner of the Division will we venture to say show that the number of appointments distributed amongst Lingayets and other backward classes is not satisfactory. We therefore humbly and respectfully pray that Your Excellency's Government may be pleased to [illegible] such orders [illegible] to enable qualified men of our Community and other backward classes to have a fair proportion of Government appointments and also to encourage the employees by granting them promotions according to their qualifications and merits.

We are extremely grateful for the kind consideration shown of late years by some of Your Excellency's predecessors in appointing the [illegible] of the [illegible] Head of our Community Shrimant [illegible] Bahadur [illegible] Desai of [illegible] and the late [illegible] [illegible] Members of the Legislative Council. But we regret that for the last four years our Community has not had the good fortune of [illegible] previously extended [illegible] of you [illegible]. We [illegible] also pray that Your Excellency may be gracious enough to allow [illegible] to our Community by appointing able and worthy men to the Council.

In conclusion we beg to thank Your Excellency for the kind permission [illegible] to present this [illegible] and we [illegible] pray that the Almighty be pleased to bestow on you the blessing of good health, long life, happiness and prosperity.

WE BEG TO SUBSCRIBE OURSELVES

YOUR EXCELLENCY'S

Most [illegible] Servants

DHARWAR

To,

# His Excellency the Right Honourable

# Sir James Monteath, K. C. S. I.

## Governor of Bombay

May it please Your Excellency

We the members of the Lingayet Educational Association Dharwar, on behalf of ourselves and our Community in general [illegible] and respectfully beg to approach Your Excellency with the humble expression of our congratulations upon your elevation to the present exalted position. We are extremely glad to learn that Your Excellency will be at the helm of the Bombay Government for some months to come and we have every reason to believe that Your Excellency's administration will be marked by progress and prosperity as the famine is passing away on account of the timely and abundant rains we have had this year.

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We mention with great pleasure that the Lingayet Education Fund which has been started here in order to aid and encourage the education of our students is working satisfactorily under the able management of Mr. [illegible] our present popular Collector and President of the Fund Committee to whom our best thanks are due. We are further happy to state that Shrimant [illegible] Desai of [illegible] in the [illegible] District has promised to place at the disposal of our association some personal Inam lands yielding an average annual income of [illegible] By means of this fund there have been up to this time 16 Graduates in all. Only a few of these have been fortunate enough to secure suitable posts in Government service and our Community feel that sufficient encouragement has not been extended to them commensurate with the extent of their self help. The statistics of the last three or four years obtained from the Collectors of the Southern Districts and the Commissioner of the Division will we venture to say show that the number of appointments distributed amongst Lingayets and other backward classes is not satisfactory. We therefore humbly and respectfully pray that Your Excellency's Government may be pleased to lay down such rules for [illegible] to enable qualified men of our Community and other backward classes to have a fair proportion of Government appointments and also to encourage the employees by granting due promotions according to their qualifications and merits.

We are extremely grateful for the kind consideration shown of late [illegible] by one of Your Excellency's [illegible] in promoting three of the distinguished [illegible] of our Community—[illegible] Desai [illegible] Sir Desai [illegible] Honorary Members of the [illegible] [illegible] our Community [illegible] the honour previously extended by three of your noble predecessors. [illegible] that Your Excellency [illegible] to [illegible] our Community by [illegible] to the [illegible]

In conclusion we [illegible] Your Excellency for the kind [illegible] [illegible] and [illegible] pray that [illegible] may be pleased to bestow on you the blessings of good health, long life, happiness [illegible]

WE BEG TO SUBSCRIBE OURSELVES

YOUR EXCELLENCY'S

[illegible]

DHARWAR

K 150

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Copy delivered on 5/6/1913

Judgment in Special Appeal No.277 of 1875.

Andana Swami Guru Andana Swami
(Original Defendant) Appellant.

Versus

Totada Swami Guru Totada Swami
(Original Plaintiff) Respondent.

Special Appeal from the decision of the Judge of Dharwar in Appeal No.360 of 1867.

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Exhibit 40 (dated in the Shakh year 1638 & Christian year 1716) though it relates to lands in another village shows that the Totada Swami was then described as master of the Andana Math, apparently long before there were any Andana Swamis. Thirteen witnesses (Nos.153,154,162,167,177,181,182,

Machine charges 0-15-0
Examiner's fee 0-5-0
Reader's fee 0-5-0
Total Rs 1-4-0

Copying charges 1-1-6
Amount to be refunded ... to be credited to Govt

186,192,195,196̧202 and 204) depose to the ownership of the Plaintiff, and to his spiritual and temporal supremacy. Exhibit No.50 signed by numerous Swamis, including (as third on the list) the Andana Swami, is a clear acknowledgment of at least his spiritual supremacy. The resumption of the Andana Math by the Plaintiff on the occurrence of the lunacy of the first Defendant's immediate predecessor, and the administration thereof for four years by the Totada Swami were acts strongly indicative of supreme temporal and spiritual authority. The lunacy and resumption occurred in AD 1844, at which time the Defendant was a disciple of the Plaintiff resident in the Math. The Defendant was nominated to the office of Andana Swami in 1849, by the Plaintiff, although the Defendant has asserted, but has failed to prove that he was elected to that office by other persons. Again in Exhibits No.71,72 (dated in 1861) 73, and 74 (dated in 1862) which are Sanads, granted by the British Government, of lands, which it is admitted are appendant to the Andana Math, the lands are described as held by the Andana Swami as Vyvatdar (corruptly Whywatdar) of the Totada Swami. The learned Counsel for the first Defendant contends that the opposite is the case, but grammatically the word Vyvatdar should follow and not precede the name of the person described as manager. So we have no doubt that the District Judge has rightly understood those documents. It is true that the lands mentioned in them are not the lands in dispute, but being as they are, lands appurtenant to the Andana Math although not in the same village with it, the inference is strong that the Andana Swami was merely the representative and agent of the Totada Swami in holding those lands. It is true that the District Judge has not mentioned the circumstance that the lands in dispute are stated in two Sanads (Exh.114 and 115) of 1862 as held by the Andana Swamy. But we cannot thence infer that he overlooked that fact. Were we to lay it down as a general rule that whenever a District Judge omits to mention a particular item of evidence of more or less importance he must be regarded as having left it out of his consideration, scarcely any decree brought up here on special appeal could be sustained under such an ordeal. Moreover the fact that lands stand in a particular name in the Government books or in Government Sanads, though always of some importance is far from being conclusive as to

the ownership of the lands, as experience of many years has taught us here. And the weight of Exhibits 114 and 115 is, & was probably regarded by the District Judge as, much diminish-ed by the circumstance adverted to by him in the last paragraph but two of his judgment that in the "Official papers" viz the Sanads already mentioned as Exhibits 71,72,73 and 74, lands admitted to be appurtenant to the Andana Math, but situate in another village, are described as managed by the Andana Swami for the Totada Swami. For these reasons we cannot say that there was not any evidence to support the finding of the District Judge that the tenure of the Math by the 1st Defendant Andana Swami was such that the Plaintiff was entitled to resume the Math, and secondly, that though the 1st Defendant's appointment as Andana Swami was complete he is not entitled by virtue of his office to resume possession of the Math - the latter part of which finding on the 2nd issue seems to follow on the finding upon the first issue. We also are unable to say that although the District Judge has not specially mentioned Exhibits 114 and 115 he must be regarded as not having taken them into his consideration and therefore committed an error in the investigation of the case. Holding these views, it is unnecessary for us to notice the facts of this case at any greater length. The decrees of the Courts below must be affirmed with costs.

Sd/-- M. R. Westropp.

26th September 1876. sd/-- Nanabhai Haridas .

True Copy

[signature]

Deputy Registrar.

[signature]

Sealer.

The 4th day of June 1913.

719

[illegible] will [illegible] [illegible] from the [illegible] [illegible] [illegible] and leakage, but [illegible] [illegible].

If the [illegible] proposed to allow the boats through be such [illegible] raised and strengthened, the leakage will be stopped probably altogether, but any [illegible] effort will be made to stop the leakage before raising the bunds at all, the [illegible] requiring an extra width of land so to stop the leakage. And if it is found the leakage cannot be stopped, the water-level in the channel will be restored to its old level.

24-7-

To be returned

Ds/ E. F. Danson
Ex: Engr for Irrigation

Tree [illegible] given to Rachdwari
Guru Toldwani of Dambal
D Ambwant

[illegible] [illegible] [illegible] [illegible]
20 8-90

[illegible]
[illegible] ———
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## FORM No. VIII.

FEE EIGHT ANNAS FOR EACH WEAPON IN DISARMED DISTRICT, FOUR ANNAS FOR EACH WEAPON IN OTHER DISTRICTS, PAYABLE IN STAMPS.

# License to possess Arms or Ammunition and to go armed for purposes of sport, protection or display.

8 [illegible]

[illegible] 0-8-0 [illegible]
[illegible] 0-4-0 [illegible]

[illegible]

| Name, &c., of license-holder with particulars of residence. [illegible] | Number of retainers if any, who may be covered by the license. Rule 25. [illegible] (Rule 25) | Description and number of weapons covered by license. [illegible] | Purpose for which granted. [illegible] | District or place within which license is valid. [illegible] | Term for which license expires. [illegible] |
|---|---|---|---|---|---|
| [illegible] | .. | [illegible] | [illegible] | [illegible] | 31st December 1892 [illegible] 1892 [illegible] 31 [illegible] |

BELLARY DISTRICT MAGISTRATE'S OFFICE, 7th March 1892. [illegible] District Magistrate. [illegible]

This License is granted subject to the provisions of the "Indian Arms Act, 1878," and the Rules framed thereunder.

It covers only the persons and the arms named therein, unless it is certified to cover retainers of the holder.

It is void after the date named therein.

It extends only to the place or district named therein, unless countersigned for the whole province by the Commissioner or other Superior officer.

It authorises the holder or persons acting under it to go armed within the place or district named, for *bona fide* prosecution of the purpose named on the license; but does not permit the holder or persons alluded to go armed in Railway carriages, to fairs, religious processions, or other Public assemblages.

The license-holder shall at the time of purchase have the following particulars endorsed upon his license by the Vendor from whom he purchases and under the Vendor's signature:—

(1.) The name and address of the person who takes delivery of the articles purchased;
(2.) The nature and amount of the articles purchased;
(3.) The date of purchase.

1878 [illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

(1.) [illegible]
(2.) [illegible]
(3.) [illegible]

[illegible]
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722

BEFORE THE SPECIAL ASSISTANT COMMISSIONER No.I

LAND ACQUISITION, T.B. PROJECT,

H O S P E T.

Sri Totada Swamy of Gadag

Claim under Section 9(3) & 10 of the Land Acquisition Act 1 of 1894

I. This claimant received notice of acquisition 7 days ago.

II. This claimant is the full owner of the S.Nos.446 3 acres 13 cents and 445 - 1 acre 68 cents of Bachigondanahalli village. He disputes the correctness of the description that he is a trustee of the Dombala Mutt. [illegible] institution as Dombala / mutt. The whole properties b[illegible] this claimant as an owner

III. The claimant submits that he is entitled to and claims a compensation of Rs. 500/- per acre. There are no other claimants for the above lands.

the suit is brought (in this court).

( ). Valuation of suit.

(7). Therefore the pltf prays :--

That it may be declared that the pltf has the -- right of being carried by his devotees in procession, in a cross-palanquin (Adapalaki), accompanied by 'Panch Kalasha' and all 'Birudavali' through the public streets of Mundargi and other places where pltf's devotees reside.

(2). That an injunction may be granted against the -- defendants prohibiting them from obstructing adapalaki -- (Cross-palanquin) processions accompanied by Panch Kalasha and Birudavali held ~~axxyx~~ every year at Mundargi on the -- 10th and 11th days of the bright ~~andxThexdayxtrxthexmorning~~ half of the lunar month Vaishakh, on the last Monday and - [illegible] month of Shravan, on the Vijayadashmi-day in the month of Ashvin, and [illegible] the [illegible] of Margashirsha, and also those (processions) held at other times and pla--ces.

That the costs may be decreed.

Signature.

(A true translation).

೧೯ [illegible] ಪ್ರಾಪ್ತಿಯ

ಕಲಮಿನ ಅನ್ವಯ ನೋಟೀಸು.

ನಂಬರು / ತಾರೀಖು [illegible] ಇವರಿಗೆ,

ನಿಮಗೆ ತಿಳಿಸುವದೇನೆಂದರೆ, [illegible] ಭಾಗದ [illegible] ಕರಕ್ಕೆ ಪಾತ್ರವಿರುವ ಪ್ರಾಪ್ತಿಯು ಕೆಳಗೆ ನಮೂದಿಸಿರುವ ನಮೂನೆಯನ್ನು, ಈ ನೋಟೀಸಿನ ಬಜಾವಣೆ ಆದಾರಭ್ಯ [illegible] ದಿವಸಗಳೊಳಗೆ ಮುಂದೆ ಹೇಳಿರುವ ಸೂಚನೆಗಳ ಪ್ರಕಾರ ಯೋಗ್ಯ ರೀತಿಯಿಂದ ತುಂಬಬೇಕು ಹಾಗು ಅದಕ್ಕೆ ಸಹಿಯನ್ನು ಹಾಕಿ ನಮ್ಮ ಕಚೇರಿಯೊಳಗೆ ಹಾಜರು ಮಾಡಬೇಕು [illegible] ನೇ, [illegible] ನೇ ಹಾಗು [illegible] ನೇ ಭಾಗಗಳಿಗೆ ಒಳಪಡುವ ಪ್ರಾಪ್ತಿಗಳನ್ನು ತೆರಿಗೆ ಕೊಡುವದಕ್ಕೋಸ್ಕರ [illegible] ವ್ಯಕ್ತವಾಗಿದೆ.

ಇನ್‌ಕಮ್‌ಟ್ಯಾಕ್ಸ್ ಕಲೆಕ್ಟರ, ಮುಂಬಯಿ.

ಬ್ರಿಟಿಷ ಇಂಡಿಯಾದೊಳಗೆ ಹುಟ್ಟುವ ಹಾಗು ನಿಷ್ಪನ್ನವಾಗುವ ಪ್ರಾಪ್ತಿಯ ಪತ್ರಕೆಯು.

| ಹೆಸರು. | ಉದ್ಯೋಗ ಅಥವಾ ಕೆಲಸದ ಜಾಗ. | ೧, ೨, ೩ ಹಾಗು ೬ನೇ ಭಾಗಗಳಿಗೆ ಒಳಪಡುವ ಪ್ರಾಪ್ತಿಯ ಮಾರ್ಗಗಳನ್ನು ಬೇರೆ, ಪ್ರತಿಯೊಂದು ಭಾಗವನ್ನು ಹಾಗು ಪ್ರತಿಯೊಂದು ಭಾಗಕ್ಕೆ ಒಳಪಡುವ ಪ್ರತಿಯೊಂದು ಸಾಧನವನ್ನು ಬೇರೆ ಬೇರೆಯಾಗಿ ಬರೆಯಬೇಕು. | ಹಿಂದಿನ ವರ್ಷದೊಳಗೆ ಇಂಥ ಪ್ರತಿಯೊಂದು ಮಾರ್ಗದಿಂದ ಆದಂಥ ಪ್ರಾಪ್ತಿಯು ಹಾಗು ಇಂಥ ಪ್ರತಿಯೊಂದು ಮಾರ್ಗದಿಂದ ಆದಂಥ ಪ್ರಾಪ್ತಿಯು ಯಾವ ಮುದ್ದತಿನಲ್ಲಿ ಆಯಿತೆಂಬುವದು. | ೬ನೇ ಕೋಷ್ಟಕದೊಳಗೆ ಹೇಳಿರುವಂಥಾ ಪ್ರಾಪ್ತಿಯೊಳಗೆ ಪಾಲುದಾರರು ಇದ್ದರೆ ಅವರ ಹೆಸರುಗಳು ಹಾಗು ಅವರ ಹಿಸ್ಸೆಗಳು. | ಶರಾ. |
|---|---|---|---|---|---|
| ೧ | ೨ | ೩ | ೪ | ೫ | ೬ |
| | | ೧. ಉದ್ಯೋಗದಿಂದ ತಸ್ತಾ ಪ್ರಾಪ್ತಿ ರೂಪದ. | ರೂ. | | ೧. [illegible] ಯಾವ ಸಾವಕಾರ [illegible] ಮುಖ್ಯಸ್ಥರು [illegible], [illegible] ಹಾಗು [illegible] ಇದ್ದರೆ [illegible] ಇಲ್ಲಿ ಬರೆಯಿರಿ, (ಕೆಳಗೆ ನಮೂದಿಸಿರುವ ಸೂಚನೆಗಳೊಳಗಿನ ೭ನೇ ಕಲಮು ನೋಡಿ.) |
| | | ೨. ಸರಕಾರಿ ಸಿಕ್ಯುರಿಟಿಯೊಳಗೆ, ಡಿಬೆಂಚರ್ ಅಥವಾ ಮ್ಯುನಿಸಿಪಾಲಿಟಿಯ ಡಿಬೆಂಚರ ಮೇಲೆ, ಯಾವ ಜಾಯಿಂಟ ಸ್ಟಾಕ ಕಂಪನಿ [illegible] ಹಾಕಿದ ಹಣವನ್ನು [illegible] | ರೂ. | | ೨. [illegible] ಸ್ಟಾಕ ಕಂಪನಿಯೊಳಗಿನ ಶೇರುಗಳ ನಂಬರುಗಳನ್ನು ಹಾಗು ವರ್ಣನೆಗಳನ್ನು ಇಲ್ಲಿ ತಪಶೀಲವಾರ ಬರೆಯಬೇಕು. |
| | | ೩. [illegible] ಮುಂತಾದವು (ಕೆಳಗೆ ಪ್ರತಿಯೊಂದು ಮನೆಯ ನಂಬರನ್ನು ಹಾಗು ಅದು ಯಾವ ಹಾದಿಯ ಮೇಲಿದ್ದೀತು ಆ ಹಾದಿಯ ಹೆಸರನ್ನು ಬರೆಯಬೇಕು.) | ರೂ. | | ೩. ನಿಮ್ಮ [illegible] ಸಿಕ್ಯುರಿಟಿಗಳು, ಯಾ ಮ್ಯುನಿಸಿಪಾಲಿಟಿಯ, ಪೋರ್ಟಟ್ರಸ್ಟ ಅಥವಾ ಬೇರೆ ಯಾವದಾದರೂ ಡಿಬೆಂಚರುಗಳು ಇದ್ದರೆ ಹೋದ ವರ್ಷದೊಳಗೆ ನಿಮಗೆ ಬಂದಂಥ ಬಡ್ಡಿಯನ್ನು ಇಲ್ಲಿ ಬರೆಯಬೇಕು. |
| | | | | | ೪. ೧ನೇ ಭಾಗಕ್ಕೆ ಒಳಪಡುವಂಥ ಪ್ರಾಪ್ತಿಯನ್ನು ಇಲ್ಲಿ ಬರೆಯಬೇಕು. (ನೌಕರಿಯು ಇದ್ದದ್ದಾದರೆ ಅದು ಯಾವಲ್ಲಿದೆಂಬುವದನ್ನು ಬರೆಯಬೇಕು.) |

| | | | | |
|---|---|---|---|---|
| | ನೆಯಲ್ಲಿ ಇರುತ್ತಿದ್ದರೆ ಅದನ್ನು ಏಳ ನೇ ದಾಖಲು ಮಾಡಿ ಅದರ ಮುಖ್ಯ [illegible] ಯ ಬಾಕ್ಸಿನೊಳಗೆ ದಾಖಲು ಮಾಡಿದ್ದಂ [illegible] ಉಳ್ಳವನ ಆಕಾರಗಳನ್ನು ಬರೆಯಬೇಕು. | | | ಕಲಮು ನೋಡಿ.) — ಇತರ ಯಾವುದಾದರೂ ಹೆಸರನ್ನು ಬಳಸಿದ್ದರೆ ಅದನ್ನು ಇಲ್ಲಿ ಬರೆಯಬೇಕು. |

ನಾನು [illegible], ಮಾಡುತ್ತೇನೆಂದರೆ, ಈ ಪತ್ರಿಕೆಯೊಳಗೆ ಹೇಳಿರುವ ಎಲ್ಲ ಮಾರ್ಗಗಳಿಂದ ಆಗುವ ಈ ಪತ್ರಿಕೆಯಲ್ಲಿ ದಾಖಲು ಮಾಡಿದ ಪ್ರಾಪ್ತಿಯ ಬೇರೆ ರೀತಿಯಿಂದ ಆಕಾರಿಸಲ್ಪಟ್ಟಿದ್ದು ) ನಿಜವಾಗಿ ಈ ಪತ್ರಿಕೆಯೊಳಗೆ ಹೇಳಿರುವ ಮುಖ್ಯ [illegible] ಅದನ್ನು ಅದೇ ಪ್ರಕಾರ ನನಗೆ ಇವರ ಹೊರ್ತು ಇತರ ಯಾವುದೂ ಪ್ರಾಪ್ತಿಯ ಕಾರ್ಯವು ಇಲ್ಲ.

(ಪತ್ರಿಕೆಯನ್ನು ಕಳುಹಿಸುವವನ ಸಹಿಯು.)

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ಪತ್ರಿಕೆಯನ್ನು ಕಳುಹಿಸುವವನ ಮಾಹಿತಿಗಾಗಿ ಬಗ್ಗೆ ಸೂಚನೆಗಳು.

೧. ಪತ್ರಿಕೆಯನ್ನು ಕಳುಹಿಸುವ ಒಂದಾನೊಂದು [illegible] ಇದ್ದಿತಾ ಪ್ರಸಂಗದೊಳಗೆ, ಮೊದಲನೆ ಕೋಷ್ಟಕದೊಳಗೆ [illegible] ಹೆಸರನ್ನು ದಾಖಲು ಮಾಡಬೇಕು.

೨. ಪತ್ರಿಕೆಯನ್ನು ಕಳುಹಿಸುವವನ ಅಥವಾ [illegible] ಇರುವ [illegible] ಅಥವಾ ಕೆಲವು ಭಾಗಗಳು ಅನೇಕ ಇದ್ದರೆ, ಅವುಗಳನ್ನೆಲ್ಲ ಎರಡನೆ ಕೋಷ್ಟಕದೊಳಗೆ ದಾಖಲು ಮಾಡಬೇಕು. ಎ. ಇರುವ ಯಾವ ಸ್ವರೂಪ ಅಥವಾ ಕೆಲವು ಭಾಗವು ಮುಖ್ಯವಾದದ್ದು ಇದ್ದರೆ ಅದನ್ನು ತಪಶೀಲವಾರು ಬರೆಯಬೇಕು.

೩. ಮೂರು ಹಾಗು ನಾಲ್ಕು ಕೋಷ್ಟಕಗಳೊಳಗೆ, [illegible] ಹುಟ್ಟುವ ಹಾಗು ಸಿದ್ಧವಾಗುವ ಪ್ರಾಪ್ತಿಯ ಪ್ರತಿಯೊಂದು ಬೇರೆ ಬೇರೆ ಮಾರ್ಗವನ್ನು ಆ ಕೋಷ್ಟಕಗಳೊಳಗೆ ಹೇಳಿ ವಂತೆ ತಪಶೀಲವಾರ ದಾಖಲು ಮಾಡಬೇಕು.

೪. ಯಾವುದಾದರೂ ಖರ್ಚು ಪೂರ್ಣವಾಗಿ ಹಾಗು ಸರ್ವಸ್ವದ ಸಿವರಿ ಪತ್ರಿಕೆಯೊಳಗೆ ದಾಖಲು ಮಾಡಿದಂಥ [illegible] ಅಂಥ ಖರ್ಚಿನ ಬಗ್ಗೆ ಕಟ್ಟ [illegible] ದ ಅದನ್ನು ಯಾವತ್ತಿಯಿಂದ ವಜಾ ಮಾಡ ಕೂಡದು, ಮತ್ತು ಹಾಗೆಯೇ ಪತ್ರಿಕೆಯನ್ನು ಕಳುಹಿಸುವವನು ತನ್ನ ನೌಕರನ ಅಥವಾ ತನ್ನ ಕುಟುಂಬದ ಅಥವಾ [illegible] ನಿರ್ವಾಹದ ಬಗ್ಗೆ ಯಾವ [illegible] ಸರಕಾರಿ ಅಥವಾ [illegible] ಪಟ್ಟಿಗಳ ಬಗ್ಗಾಗಲಿ ಬಾಬುಗಳ ಬಗ್ಗಾಗಲಿ ಕರಗಳ ಬಗ್ಗಾಗಲಿ [illegible] ವಜಾ ಮಾಡ ಕೂಡದು.

೫. [illegible] ಕೂಡಿಸಿದ ಮನುಷ್ಯನ [illegible] ಬಗ್ಗೆ ಹಿಡಿ ಅಥವಾ ಗೊತ್ತು [illegible] ಮುಕ್ತ [illegible] (ಬಡ್ಡಿ ಅನ್ನುವುದು) ಇವರ ಸಂಬಂಧದಿಂದ ಯಾವುದಾದರೂ [illegible] ಕೂಡಿಸಿದ ಕರ್ಚುಗಳನ್ನು, [illegible] ದಾಖಲು ಮಾಡುವಂಥ ಪ್ರಾಪ್ತಿಯ ರಕಮಿನೊಳಗಿ ವಜಾ ಮಾಡ ಕೂಡದು, ಅವುಗಳನ್ನು ಬೇರೆ (ಕರೆದು) ಕೋಷ್ಟ [illegible] ಬೇಕು. ಸಾಲದಿಂದ [illegible] ಯನ್ನು ಕೂಡಿಸಿರುವ ಮನುಷ್ಯನು ಕೊಡತಕ್ಕ [illegible] ಹಾಗು [illegible] ಕೂಡಿಸಿರುವ ಮನುಷ್ಯನ ಪ್ರಾಪ್ತಿಯ [illegible] ವಜಾ ಮಾಡತಕ್ಕ [illegible] ಬಂದು ಹೋಗುವುದು.

೬. ಮನೆಯಿಂದ ಹಾಗು ಹೊಲದ [illegible] ಉಪಯೋಗದಲ್ಲಿರುವ [illegible] ಉತ್ಪನ್ನವಾಗುವಂಥ ಬಾಬಿನಯ ಅಥವಾ ಪ್ರಾಪ್ತಿಯ [illegible] ಕರಗಳು ಯಾ [illegible] ಅಥವಾ ಬಾಬುಗಳು ಇವುಗಳ ಬಗ್ಗೆ ವಜಾ ಮಾಡಬಾರದು.

೭. ಪತ್ರಿಕೆಯನ್ನು ಕಳುಹಿಸುವವನು (೧) [illegible] ಹುದ್ದೆಗಳ, ಇಂಗ್ಲಾಂಡಿನ [illegible] ಹುಟ್ಟಿನ ಅಥವಾ [illegible] ಹುಟ್ಟಿನ [illegible] ಪಾಲನೆದಾರನು, ಕ್ಷೇತ್ರವನ್ನು ಅಥವಾ [illegible] ಸಂಬಂಧದಿಂದ (೨) ಆ ಸ್ಥಾನದಲ್ಲಿ [illegible] ಸಂಬಂಧದಿಂದ, (೩) ಹಿಂದುಸ್ಥಾನದೊಳ ಯಾವುದಾದರೂ ಕೋರ್ಟಿನಿಂದ [illegible] ಅಥವಾ [illegible] ಕೋರ್ಟು [illegible] ಮೂಲಕ ಸ್ವಾಧೀನ ಧವಾ [illegible] ಪ್ರಾಪ್ತಿಯ ಬಗ್ಗೆ [illegible] ಕೊಡುವದಕ್ಕೆ [illegible] ಆ ಸಂಗತಿಯನ್ನು ಏಳನೆಯ ಕೋಷ್ಟಕದೊಳಗೆ ಬರೆಯಬೇ [illegible] ಕಲಮು [illegible] ಕಲಮು (೨) ಇದರಲ್ಲಿ ಹೇಳಿರುವ [illegible] ಯಾವನಾದರೂ ಮನುಷ್ಯನು ಒಂದಾನೊಂದು ಮಜಕೂರು ದಾಖಲು ಮಾಡಿದ್ದನು [illegible] ಅದು ಗೊತ್ತು ಇದ್ದರೆ ಮತ್ತು ಅದು [illegible] ಗೊತ್ತಿದ್ದರೆ ಅಥವಾ [illegible] ಅಥವಾ [illegible] ಕಲಮಿನೊಳಗೆ ಹೇಳಿರುವ ಪ್ರಕಾರದ ಅಪರಾಧವನ್ನು ಮಾಡಿದವನು ಶಿಕ್ಷಕ್ಕೆ [illegible]

125

# FORM No. VIII.

FEE EIGHT ANNAS FOR EACH WEAPON IN DISARMED DISTRICT, FOUR ANNAS FOR EACH WEAPON IN OTHER DISTRICTS, PAYABLE IN STAMPS

## License to possess Arms or Ammunition and to go armed for purposes of sport, protection or display.

8 [illegible]

[illegible] 0-8-0 [illegible]
[illegible] 0-4-0 [illegible]

[illegible]

| Name, &c., of license holder and parentage, caste [illegible] | Number of [illegible] covered by [illegible] Rule 2 | Description and number of weapons covered by license | Purpose for which granted | District or place within which license is valid | Term for which license runs |
| --- | --- | --- | --- | --- | --- |
| [illegible] | [illegible] | [illegible] | [illegible] | [illegible] | [illegible] |
| [illegible] | | [illegible] | [illegible] | [illegible] | 31st December 1897 |

BELLARY DISTRICT MAGISTRATE'S OFFICE,
11 March 1897. District Magistrate.

This License is granted subject to the provisions of the "Indian Arms Act, 1878," and the Rules [illegible] thereunder.

It covers only the persons and the arms named therein, unless it is extended to cover retainers of the holder.

It is valid [illegible] the date named therein.

It extends only to [illegible] district named therein, unless countersigned for the whole province by the Commissioner or other Superior officer.

It authorizes [illegible] persons acting under it to go armed within the [illegible] district named for bona fide purposes of the purpose [illegible] on the license, but does not permit the holder [illegible] to go armed in railway carriage, [illegible] public [illegible].

The license holder shall at the time of purchase [illegible] the following particulars entered up in his license by the Vendor from whom he purchases, [illegible] the Vendor's signature:—

(1) The name and address of the person who takes delivery of the articles purchased;

(2) The [illegible] and amount of the articles purchased;

(3) The date of purchase.

1878 [illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

(1) [illegible]

(2) [illegible]

FORM No. VIII.

For Eight Annas for each Weapon in Disarmed District, Four Annas for each Weapon in other Districts, [illegible]

# License to possess Arms or Ammunition and to go armed for purposes of sport, protection or display.

8 [illegible]

[illegible] 0-8-0 [illegible]

[illegible] 0-4-0 [illegible]

[illegible]

| Name [illegible] | [illegible] | Description [illegible] | [illegible] granted | District or place within which license is valid | Term for which license expires |
|---|---|---|---|---|---|
| 289 [illegible] 157 [illegible] | [illegible] | [illegible] | [illegible] | [illegible] | [illegible] |

Bellary District Magistrate's Office,

7th March 18[illegible]

District Magistrate.

This License is granted subject to the provisions of the Indian Arms Act, 1878, and the Rules framed thereunder.

[illegible] unless it is certified to cover retainers of the holder.

It is valid [illegible] named therein.

It extends only to the [illegible] district named therein unless it is extended for the whole province by the Commissioner or other [illegible] officer.

It authorises the holder [illegible] named, for bona fide prosecution of the purpose named in the license, [illegible] in public conveyances.

The licensee [illegible] following particulars endorsed upon his license by the Vendor from whom [illegible] signature:—

(1) The name and address of the person who takes delivery of the articles purchased;

(2) The nature and amount of the articles purchased;

(3) The date of purchase.

1878 [illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

(1) [illegible]

(2) [illegible]

(3) [illegible]

# FORM No. VIII.

FEE EIGHT ANNAS FOR EACH WEAPON IN DISARMED DISTRICT, FOUR ANNAS FOR EACH WEAPON IN OTHER DISTRICTS, PAYABLE IN STAMPS.

## License to possess Arms or Ammunition and to go armed for purposes of sport, protection or display.

[illegible]

[illegible] 0-8-0 [illegible]

[illegible] 0-4-0 [illegible]

[illegible]

| Names, &c., of license-holder with particulars of residence. [illegible] | Number of retainers, if any, allowed to be covered by the license. Rule 23 [illegible] (Rule 23) | Description and number of weapons covered by license. [illegible] | Purpose for which granted [illegible] | District or place within which license is valid [illegible] | Term for which license expires. [illegible] |
|---|---|---|---|---|---|
| [illegible] | | [illegible] | [illegible] | [illegible] | 31st December 1882. 1882 [illegible] 31 [illegible] |

BELLARY DISTRICT MAGISTRATE'S OFFICE, 7th March 1882. [illegible] District Magistrate.

This License is granted subject to the provisions of the "Indian Arms Act, 1878," and the Rules framed thereunder.

It covers only the persons and the arms named therein, unless it is certified to cover retainers of the holder.

It is void after the date named therein.

It extends only to the place or district named therein, unless countersigned for the whole province by the Commissioner or other Superior officer.

It authorises the holder or persons acting under it to go armed within the place or district named, for *bona fide* prosecution of the purpose named on the license but does not permit the holder or person aforesaid to go armed in Railway carriages, to fairs, religious processions, or other Public assemblages.

The license-holder shall at the time of purchase have the following particulars endorsed upon his license by the Vendor from whom he purchases and under the Vendor's signature.—

(1.) The name and address of the person who takes delivery of the articles purchased;

(2.) The nature and amount of the articles purchased;

(3.) The date of purchase.

1878 [illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

(1.) [illegible]

(2.) [illegible]

(3.) [illegible]

# FORM VIII.

Fee Eight Annas for each Weapon in Disarmed District, Four Annas [f]or each Weapon in other Districts, payable in Stamps.

License to possess arms or ammunition and to go armed for purposes [o]f sport, protection or display.

[illegible]

[illegible] 0-8-0 [illegible] 0-4-0 [illegible]

[illegible]

469
129

| Names &c., of license-holder with particulars of residence. [illegible] | Number of retainers, if any, who may be covered by the license (Rule 23). [illegible] (Rule 23). | Description and number of weapons covered by license. [illegible] | Purpose for which granted [illegible] | District or place within which license is valid. [illegible] | Term for which license expires. [illegible] |
|---|---|---|---|---|---|
| [illegible] | [illegible] | [illegible] | [illegible] | [illegible] | 31st December 1883<br>188 [illegible]<br>31 [illegible] |

Bellary District,
19/1 1883.

[illegible]

District Magistrate.

This license is granted subject to the prov[isions of the] Indian Arms Act, 1878," and [th]e Rules framed there-under.

It covers only the persons and the arms named therein, unless it is certified to cover [re]tainers of the holder.

It is void after the date named therein.

It extends only to the place or district named therein, unless countersigned for the [w]hole province by the Commissioner or other superior officer.

It authorises the holder or persons acting under it to go armed within the place or [d]istrict named, for *bona fide* prosecution of the purpose named on the license; but does [no]t permit the holder or person aforesaid to go armed in railway carriages, to fairs, religious [p]rocessions, or other public assemblages.

The license-holder shall at the time of purchase have the following particulars endorsed [u]pon his license by the vendor from whom he purchases and under the vendor's signature:

(1) the name and address of the person who takes delivery of the articles purchased;
(2) the nature and amount of the articles purchased;
(3) the date of purchase.

1878 [illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

(1) [illegible]
(2) [illegible]
(3) [illegible]

# FORM VIII.

Fee Eight Annas for each Weapon in Disarmed District, Four Annas for each Weapon in other District, payable in stamps.

License to possess arms or ammunition and to go armed for purposes of sport, protection or display.

8 వ, నమూనా.

[illegible] 0-8-0 [illegible] 0-4-0 [illegible]

[illegible]

| Names &c., of license-holder, with particulars of residence. [illegible] | Number of retainers, if any, who may be covered by the license (Rule 23). [illegible] 23). | Description and number of weapons covered by license. [illegible] | Purpose for which granted. [illegible] | District or place within which license is valid. [illegible] | Term for which license expires. [illegible] |
| --- | --- | --- | --- | --- | --- |
| [illegible] | [illegible] | [illegible] | [illegible] | [illegible] | 31st December 1883 188 [illegible] 31 [illegible] |

Bellary District

[illegible] 1883.

District Magistrate

This license is granted subject to the provisions of the "Indian Arms Act, 1878," and the Rules framed thereunder.

It covers only the person and the retainers named therein, unless it is certified to cover retainers of the holder.

It is valid to the date named therein.

It extends only to the place or district named therein, unless countersigned for the whole province by the Commissioner or other superior officer.

It authorises the holder or persons acting under him to go armed within the place or district named, for bona fide protection or the purposes stated on the license; but does not permit them to go armed in railway carriages, to fairs, religious processions, [illegible]

This license [illegible] the following particulars endorsed upon it [illegible] the vendor's signature:

(1) the name and address of the person who took delivery of the articles purchased;
(2) the kind and amount of the articles purchased;
(3) the date of purchase.

1878 [illegible]

[illegible]

(1) [illegible]
(2) [illegible]
(3) [illegible]

# FORM VIII.

Fee ... Districts ... Four Ann... for each ...

License ... for purpos... of sport, protection ...

Names ... been ... with ...

D...

... 189...

Bell...

... Magistrate

... Arms Act 1878 ...

... to cove...

(1)

(2)

(3)

# FORM VIII.

Fee Eight Annas for each Weapon in Disarmed District, Four Annas for each Weapon in other Districts, payable in Stamps.

License to possess arms or ammunition and to go armed for purposes of sport protection or display.

[illegible]

[illegible]

| Names &c., of license-holder with particulars of residence | Number of fire-arms &c. he may be ... (Rule 23) | Description and number of weapons covered by license | Purpose for which granted | District or place within which license is valid | Date on which license expires |
|---|---|---|---|---|---|
| [illegible] | [illegible] | [illegible] | [illegible] | [illegible] | 31st December 188 / 188 / 31 |

Bellary District, [illegible] 188

District Magistrate

This license is ... subject to the provisions of the Indian Arms Act, 1878, and the Rules framed thereunder.

It covers only the persons and the arms ... unless it is certified to cover retainers of the holder.

It is void ... [illegible]

It extends only ... [illegible] ... whole ... [illegible]

It ... [illegible] ... within the ... [illegible] ... not permit the holder ... [illegible] ... on the license but ... [illegible]

The license holder shall ... the following particulars endorsed upon his license by ... [illegible] ... signature:

(1) the name ... [illegible]

(2) the ... [illegible]

(3) the date of purchase.

1878 [illegible]

[illegible]

(1) [illegible]

(2) [illegible]

(3) [illegible]

[illegible]

[illegible]

[illegible]
[illegible]
[illegible]
[illegible]

[illegible]

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( [illegible] )

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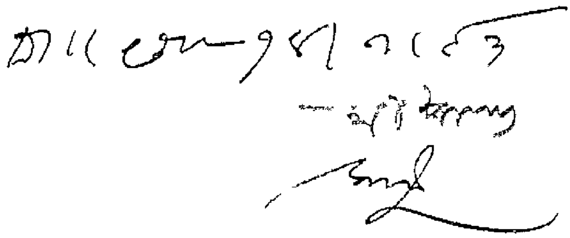
[illegible]



3Rs 75nP

INDIA

तीन रुपये पचहत्तर नये पैसे

THREE RUPEES — SEVENTY FIVE NAYE PAISE

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[illegible]

[illegible]

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[illegible] 500:0.

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible] 70

[illegible]

[illegible]

ಖರೀದಿದಾರ: - ಆರ್. ಮಾಳಿಗೆಪ್ಪ ತಂದೆ ಆರ್ಡಿನೆನ್ಸ್

ಪ್ರಸ್ತುತ ಸದರಿ ಜಮೀನಿನ ಖರೀದಿದಾರರ

ಮಕ್ಕಳು ಪಾಲುದಾರ. ಶಿವ್ರಿಂ.ಸಂಸ್ಥೆ ರವರು

ರತ್ನ ಮಾಳಿಗೆಪ್ಪ ಮಗ ಮಂಜುನಾ.
34.

ಭಾಲ್ಕಿಂಗಮಂತ್ರ ಬಡೆಗ್ರೇಸ ಪ್ರಕಾಶ

ನಾಗಸ. ಸವಸ. ತಾಲ್ಲೂಕು ಸಹಿ-

ನಾವು ನಮ್ಮ ನಮ್ಮ ಆಗಿ ಮಾಡಿಕೊಂಡ ಕರಾರ

ಪತ್ರಾಂಶದ ನಂತರ -

ದಾವಣಗೆರೆ ಜಿಲ್ಲೆ. ಸವನಲ್ಲೂರು ಮ. ಸರಸ ಬಡಸ್ಗೆಂ.

ನಿಟು ಮುಖ್ಯವಾದ ಶ್ರೀಮಂತರಾದ ರೈತರಾಗಿದ್ದು...

(ಶ್ರೀ) ಮಾನ. ಮಾಲೀಕರ ಮಾಲೀಕತ್ವ ಮಾಲ್ಕಿ ಮುಖ್ಯವಾಗಿ

ಅವುಗಳ ಭಾಗೆ ಸಿ.ಸ.ನಂಬರ ನೇ ಸೆಟ್ಟು ಮಾ

$\frac{3787}{48A/6A/17}$ ಮಾ

$\frac{3787}{48A/6A/1}$ ಸ್ವತ ಪ್ರಸಂಗ.

ಗದಗಾದ ಕ್ರಯಬಲ್ಲು. ಮತ್ತು ಸ್ವಾಮ್ಯ ಸ್ವತ್ತು
ಭಾಗಾದ ಬಗ್ಗೆ ಬಾಡಿ. ಮಗನಿಗೆ ಸ್ವಾಮೀನಂಬರ

ಪ್ರತಿ ಮಾಲೀಕರ ಮಾಲ್ಕಿ ಬಾಗ್ಗೆ ಪಟ್ಟಿ ಮಾಡಿ.

ಸಿ.ಸ ನಂಬರ ನೇ ದಿನ ಖರೀದಿದಾರರಾದ ಸ್ವತ್ತು

$\frac{3787}{48A/6A/16}$.

ನಂಬರ ಪ್ರತಿ ಬಳಸು ಮಾಲೀಕರಿಗಾಗಿ.

ಬಳ್ಳಾರಿ ಸಿ.ಸ.ನಂಬರ 3787/48A/16/2+3.

75 nP

INDIA

पचहत्तर नये पैसे

पचहत्तर नये पैसे

भारत

SEVENTY FIVE NAYE PAISE

SUB-TREASURY * GADAG

[illegible] - 2 [illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible] 3787/48 A/6A/16 [illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible] 1-1-1974 [illegible]

[illegible]

ಮಾಲೀಕರಿಂದ ಲಿಖಿತ ಕಬಜಾಕ್ಕೆ ಒಪ್ಪಿಸಿದ್ದಾರೆ.

ಭಾಡಿಗೆ ಶರತ್ತುಗಳು –

1) ಸದರ ಜಾಗೆಯನ್ನು ಭಾಡಿದಾರರು ಖುದ್ದ ಉಪಯೋಗ
ಕ್ಕಾಗಿ ಇತರರಿಗೆ ಬಿಟ್ಟರೆ ಮಾಲೀಕರ ಒಪ್ಪಿಗೆ
ಮುಂದಾಗಿ ಪಡೆಯದೆ ಬಿಟ್ಟರೆ ಆ ಕರಾರು
ರದ್ದಾಗಿ ಆ ಕರಾರು ಭಾಡಿದಾರರಿಗೆ
ಭಾಡಿದಾರರಿಗೆ ಹೊಣೆ ತಕ್ಕದ್ದು.

2) ಸದರ ಜಾಗೆಯನ್ನು ಭಾಡಿದಾರರು ಇತರರ
ಹೆಸರಿಗೆ ಒಳ ಭಾಡಿಗೆ ಉಪಯೋಗಿಸ
ಬಾರದು ಮಾಲೀಕರ ಸಮ್ಮತಿ ಇಲ್ಲದೆ
ಬಿಟ್ಟರೆ ಹೊಣೆ ತಕ್ಕದ್ದು.

3) ಭಾಡಿಗೆ ರಕಮು : ತಿಂಗಳು ಒಂದಕ್ಕೆ ರೂಪಾಯಿ 500=00
ಭಾಡಿಯಂತೆ ತಾರೀಖು 1-1-1974 ರಿಂದ ಮೂರು
ತಿಂಗಳಿಗೆ ಅನಾಮತ್ತು ಮುಂಗಡವಾಗಿ
ರೂಪಾಯಿ 1500=00 ಭಾಡಿದಾರರು ಮಾಲೀಕರ
ಆಸಾಮಿ ಮುಟ್ಟಿಸಿ ತೀರುವಾಗಿ ...
ಕೊಡತಕ್ಕದ್ದು ಹೊಣೆಗಾರರು.
ಬರೆದಿದ್ದಾರೆ —

[illegible] ಕರಾರಿನಿಂದ [illegible]

[illegible] ತಾರೀಖು 1-1-1974 ರಿಂದ. [illegible]

[illegible]

[illegible] ತಾರೀಖು 1-1-1977 [illegible]

[illegible]

[illegible]

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[illegible]

[illegible]

[illegible] ತಾರೀಖು -- 28.6.1974

[illegible signature]

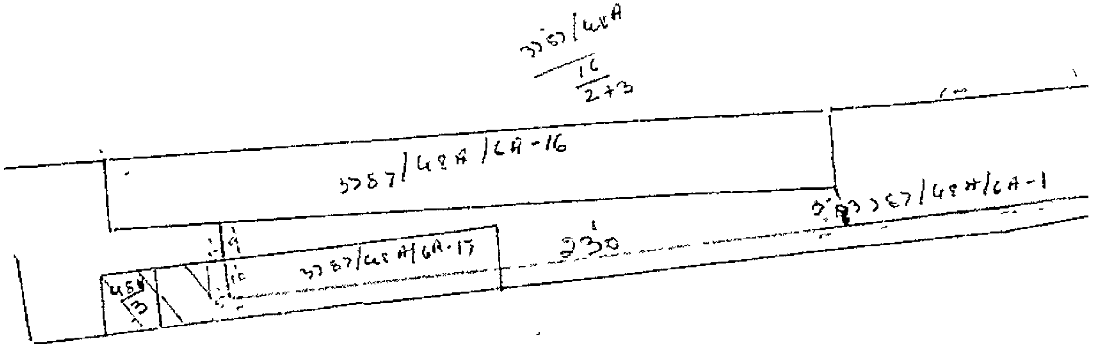
True Copy

[illegible]

[illegible]

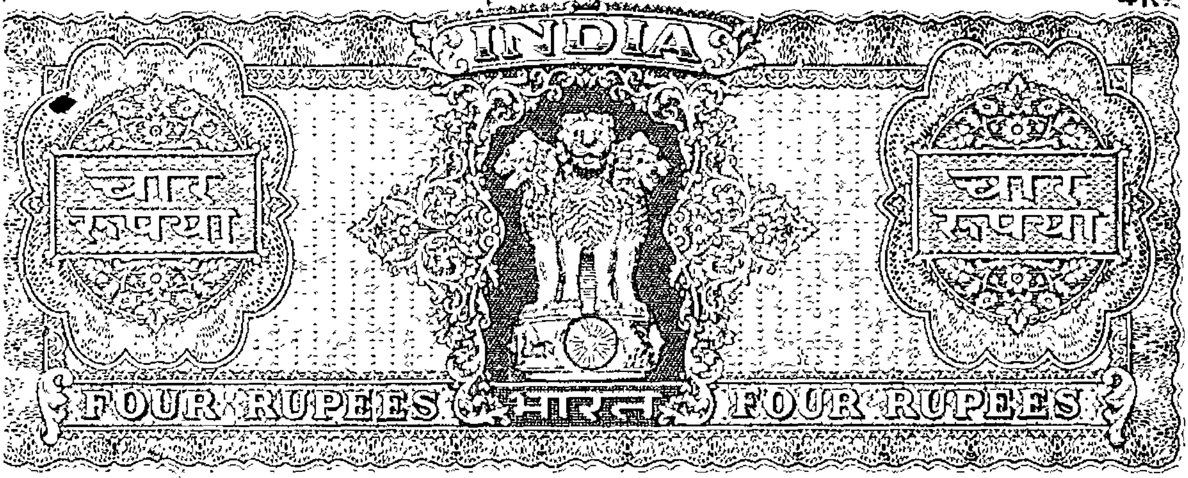
[illegible signature]

P.A. Holder.



28 C/ 631/71-72 G. NO. 1832/1256

4 RS.




8/1/2 [illegible] 1/72

K.H. Kulkarni

Copy of certificate and Endorsements.

[illegible] ನಂಬರ 1832

[illegible] 1956 ಇಸ್ವಿ Aug 23

[illegible] 4 ಪುಟ 5

[illegible] Gadag [illegible]

[illegible]

Sd/- A.R.M. Desai

[illegible]

[illegible]

| | | |
|---|---|---|
| [illegible] | ರು. | 1-6-0 |
| [illegible] | " | 2-4-0 |
| [illegible] | " | 0-14-0 |
| ಒಟ್ಟು | | 4-8-- |

Sd/- A.R.M. Desai

[illegible]

Copy of Instrument

[illegible]

904 I
1832-6/6
1956

832 (1) [illegible]

904 I
1832-2/6
1956

[illegible]

ಬಿಟ್ಟುಕೊಡುವವರು,
ಈ ಬಿಟ್ಟು ... ಮಾಡಿಕೊಟ್ಟವರಕ್ಕೆ
ಒಪ್ಪುತ್ತಾರೆ
Sd/- Hindanappa
Koleppa Rasadi.

ಮುದ್ರೆಯು.

[illegible]

[illegible]

INDIA

पचास नये पैसे

पचास नये पैसे

भारत

FIFTY NAYE PAISE

K. H. Kulkarni

ಅಂದಾಜಿನ ಖರ್ಚು ... ಮುದ್ರಾಂಕ ...

... P. G. Badami

... Shri Gurulingacharya Swami's Math

694 / 1832 5/6 / 1956 | Dambal ... Gadag as power of Attorney holder Andanappa Koteppa Kavadi.

... Patil ...

Verified.

... 20/8/56

... M. S. Gadag

TRUE COPY OF document No 1832 pages 1 to 6

Sd/- S. B. ...

Photo Registrar, Date 25-9-56.

PHOTO REGISTRAR GOVT PHOTO REGISTRY POONA

SUB REGISTRY OFFICE ... 29-9-56 ... GADAG

Copied by me: } S. K. Ghorpade. C. S. R.

Read by me: }

Compared by me: K. G. Shirgumpi SRC

... 24-1-72

... 25-1-72

Copy duly ... 8-2-72 K. H. Kulkarni of Gadag.

Sd/- ...

Sub Registrar ...

"ಅಧಿಕೃತ ನಕಲು"

... Clerk I ...

Sub Registrar

GADAG.

35

# Extract from the Property Register Card.

irvey-GADAG Taluka-GADAG District-DHARWAR.

| Survey Number | Area | Tenure | Particulars of assessment or rent paid to Government &when due for revision |
|---|---|---|---|
| 3213 / 4/E | 2-0 | A | |

Easements:-

Holder in 19
Origin of the title (so far as traced)

Lessee [illegible]

Other encumbrances—

Other Remarks—

| Date | Transaction | Vol. No. | New Holder (H) Lessee (L) or Encumbrances[E] | Attestation |
|---|---|---|---|---|
| 18-7-60 | [illegible] | A | H [illegible] | |
| [illegible] | 313 [illegible] | [illegible] | [illegible] | [illegible] |

| Date | Transaction | Vol No. | New holder[H]Lessee[L]or Encumbrances[E] | Attestation |
|---|---|---|---|---|
| | | | | |

REMARKS

Copy applied for by on—Shri:— S. V Odisuw ... on 2-11-63

Copy ready on— 2-11-63

Copy delivered on— 12-11-63

TRUE

Entries

Copying fees— 0-25

Surcharge— 0-06

Comparing fees— 0-06

Surcharge— 0-02

From— 0-06

Total 0-45

Maintenance Surveyor,
GADAG

Copied by Clerk } ......

Compared by......

25 Rs.

पच्चीस रुपया

INDIA

TWENTY FIVE RUPEES

25 Rs.

Sub-Treasury, Gadag
Stamps Issued on
... SEP ...

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

... 1975

[illegible]

I Sheet of Doct. S. No. ...
Containing 3 Sheets.

Sub-Registrar, Gadag.

Sub-Registrar,
Gadag

[illegible]

[illegible]

[illegible] ([illegible])
[illegible] – [illegible]
[illegible] 32
[illegible]
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OF THE [illegible]

III Sheet of Doct. S No. 2363
Containing 3 .. Sheets.

Sub-Registrar, Gadag.

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[illegible]

[illegible]

[illegible]

Sheet of Doct. S No. 2363
Containing 3 ...

Sub-Registrar, Gudur

[illegible]

Sheet of Doct. S No 2363
Containing 2 [illegible]

Sub-Registrar, [illegible]

[illegible]

సాక్షులు

(1) [illegible]

(2) [illegible]

ಲೇಖ ನಂಬರ 2363/74-75

ಸನ್ 4 JAN 1975 ತಾರೀಖಿನಂದು

4.15 ಗಂಟೆಗೆ ಗದಗ [illegible]

ಕಚೇರಿಯಲ್ಲಿ [illegible]

[illegible]

[illegible]

ಇವರಿಂದಾ ದಾಖಲ ಮಾಡಲ್ಪಟ್ಟಿತು:-

| | | ರೂ | ಪೈ |
|---|---|---|---|
| ನೋಂದಣಿ | ಫೀ | 15-00 | |
| [illegible] | ಫೀ | 5-00 | |
| ಪುಟ 10 | ಫೀ | 1-00 | |
| ಇತರೆ | ಫೀ | | |
| ಸ್ಟ್ಯಾಂಪ್ | ಫೀ | 20-00 | |
| | | 41-00 | |

ಚಂದ್ರಶೇಖರ ಕೋಂ ಚಂದ್ರಶೇಖರಯ್ಯ

ಹಿರೇಮಠ

ಬರೆದುಕೊಟ್ಟಿದ್ದಾಗಿ ಒಪ್ಪಿಕೊಳ್ಳಲಾಯಿತು.

ಚಂದ್ರಶೇಖರ ಕೋಂ ಚಂದ್ರಶೇಖರಯ್ಯ

ಹಿರೇಮಠ [illegible]

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ಸಂಪುಟ 46 ... 49 ನೇ

... 1800 ನೇ ನಂಬರಕ್ಕೆ

ನೋಂದಿಸಲಾಯಿತು.

ತಾರೀಖು: 4-1-1975.

Sub-Registrar,
Gadag

ಗುರ್ತು ಬಲ್ಲಂಥವರು:-

C M Sobinmath

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4 JAN 1975

Sub-Registrar,
Gadag

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132

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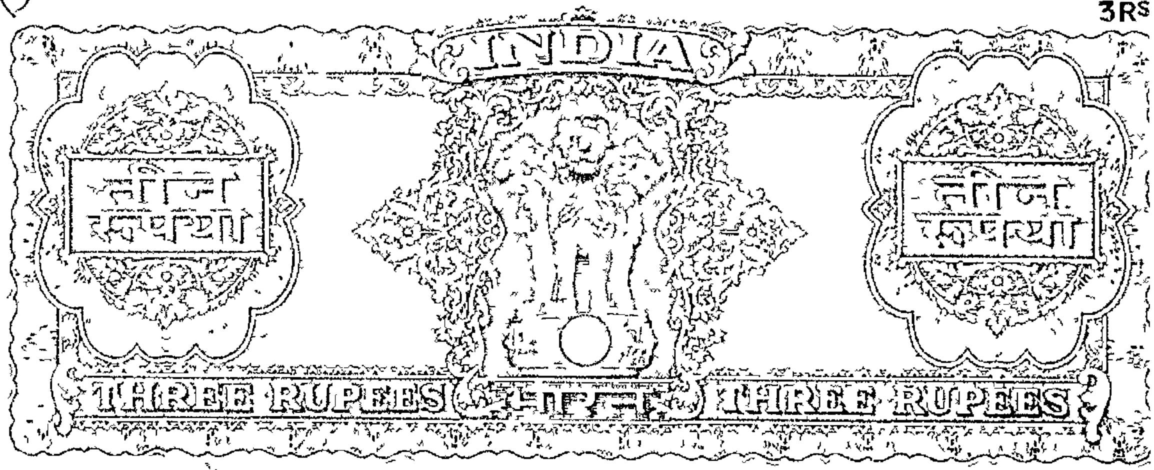


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Sdf S.B. Dharmayat

ದಿ: 8-1-1958

Sdf V.G. Mayirakar

The ಸಬ್ ರೆಜಿಸ್ಟ್ರಾರ್, ಗದಗ.

I ನೆ [illegible]

32 ನೆ [illegible]

ದಿ: 8-1-1958

Sdf V.G. Mayirakar.

The ಸಬ್ ರೆಜಿಸ್ಟ್ರಾರ್, ಗದಗ.

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एक रुपया पचास नये पैसे

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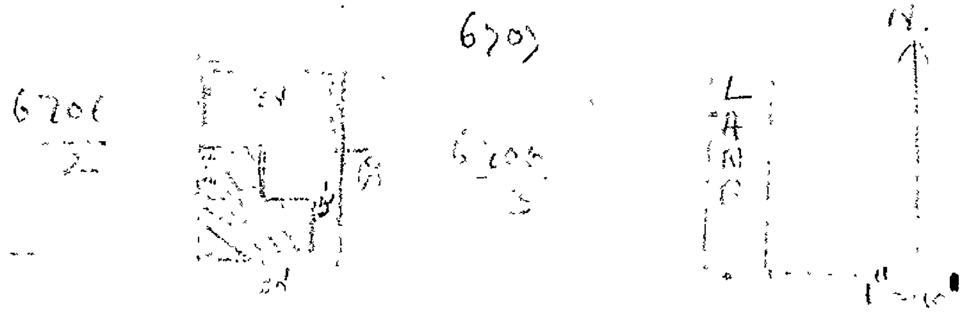

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[illegible] 32 5/6

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[illegible] 1-1955 [illegible]

Sd/- P. G. Badami

Sd/- [illegible]

[illegible]

[illegible] Sd/- F. P. Patil

[illegible] Sd/- A. H. Megeri

Verified
Sd/- R. S. Laxmeshwar.
T M C Gadag

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Document No 32
pages 1 to 6

... N. S. Mudhol.
Photo Registrar.
Date 6-2-5.

PHOTO REGISTRAR
... ...
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... REGISTRAR OFFICE
Recd. on
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GADAG

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True Copy

SUB-REGISTRAR.
GADAG

Cp. No. 20/64.

Copy applied for on 16-2-64
Copy ready on —
Copy delivered/sent on 18-2-64
to Shri ...
Sub-Registrar,
Gadag.

శ్రీ

శ్రీమన్నహా రాజాధిరాజ జగద్గురు ఆలోచిం
మహాస్వాములవారు సం॥ మఠం బళ్ళము స్వామి గారు-
చేరణన సిద్ధాశ్రమ

భగవత్ స్వామివారి సన్నిధి రు- జి- వారి లక్షణ బాలబాలికల స్వామి
వారి వస్త్రాలు సకల పెద్ద తమ్ముడు గారు లాంఛనముగా పంపినది
గారు ఆశీర్వదించి నిన్న ప్రయాణము మీద నాలుగు స్వామి
వారి వారి ఆశీర్వాదబలముచేత మంచి రూపములో ఉన్నారు
సన్నిధియందు ॥ శ్రీ భగవత్ గారి ఆశీర్వాదము మనసారా
తమ బహుమాన సన్నిధి- తేది:- ఉల్లంఘన స్థలములు
ఉదకము, బట్టలు, రాత్రి, పాదసేవా సామాగ్రి-
ఉపకారార్థముగా ఉన్నవి వసతి నిరాటంకముగా జరిగెను-
ఉదయము గారి దర్శనము (౧౬) రూపాయల కానుక
దీక్షాంగ గారి సన్నిధి దీవెన గ్రహించి సన్నిధానంలో సంతోషించి
శ్రీ గురువరులు సన్నిధి. బాకీ విశేషములు ఉల్లాసము జరుగుతుంది
ఉత్సవము. ఆశీర్వాద సందర్భములు జరిగినవి సన్నిధి
ఉంటారు సన్నిధి దిద్దినది. [illegible]

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